

Association News

CSG Welcomes New National Officers!

We look forward to working with these outstanding new officers:

- Gov. Jack Markell, Delaware
2016 CSG National President

a, Michigan, Nebraska, South Dakota, Utah and Washington--
two other states--Kentucky and North Carolina--made
mechanisms to make revenues more reliable. Despite all that
large number of states join the club.

- Sen. Beau McCoy, Nebraska
2016 CSG National Chair
- Sen. Kelvin Atkinson, Nevada
2016 CSG National Chair-elect
- Sen. Robert Stivers, Kentucky
2016 CSG National Vice Chair
- Gov. Brian Sandoval, Nevada
2016 CSG National Immediate Past President
- Sen. Carl Marcellino, New York
2016 CSG National Immediate Past Chair



argaining Survive This Supreme Court Term?

Legal Center

Product Stewardship Laws

portation Funding



About Us

Founded in 1933, The Council of State Governments is our national organization for all three branches of state government. CSG is a region-based exchange of insights and ideas to help state officials shape public policy. We provide unparalleled regional, national and international opportunities to collaborate and create problem-solving partnerships.

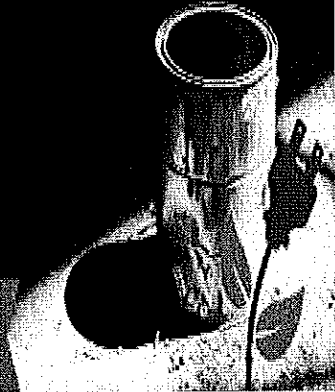


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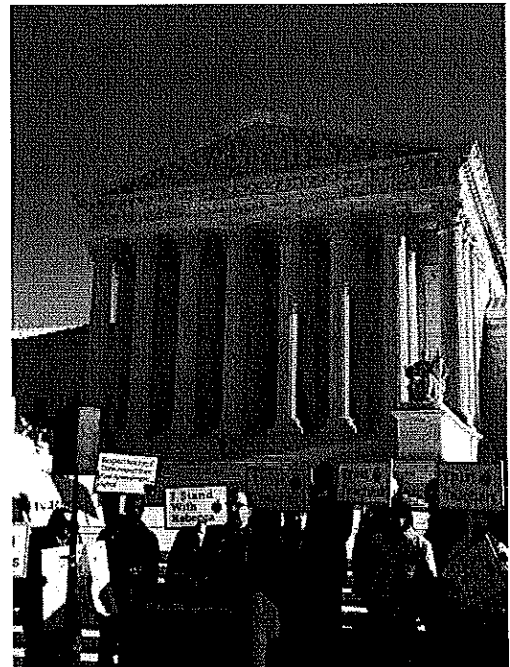
From: The Buckeye Institute
Sent: Monday, January 11, 2016 12:07 PM
To: Rep48
Subject: Buckeye President & CEO Robert Alt Speaks about Friedrichs on U.S. Supreme Court Steps

Buckeye Institute News Alert

Moments ago, Buckeye President & CEO Robert Alt finished his speech on the steps of the U.S.

Supreme Court where he addressed the media and explained that "Today's case is about securing the First Amendment rights for all public employees. It is about not being forced to pay for political speech with which you disagree. And, make no mistake, collective bargaining speech for public sector unions is political speech. For example, in Ohio, the unions negotiated to decide layoff decisions by a coin flip, instead of merit, which is of course blatantly unfair to good teachers and to their students." Alt noted that the Justices heard oral arguments outlining why forcing Rebecca Friedrichs to pay the unions is inherently political speech, and why it violates her 1st Amendment rights. We should expect the Justices to announce their decision on the case in June.

Alt posted several pieces on National Review's Bench Memos over the past week about the Friedrichs case, many of which were picked up by SCOTUSblog as well:



Robert Alt Speaks about Friedrichs on U.S. Supreme Court Steps

Professor Epstein to SCOTUS: Set the Workers Free

A Response to Justice Kagan: Ending Agency Fees Won't End Unions (Part 1)

A Response to Justice Kagan: Ending Agency Fees Won't End Unions (Part 2)

Not Inexorable: Why Stare Decisis Doesn't Require Adherence to Abood

The Money Behind the Friedrichs Case

Why Friedrichs Matters

#

The Buckeye Institute was founded in 1989 as an independent research and educational institution--a think tank--to formulate and promote free-market solutions for Ohio's most pressing public policy problems.

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Randi's Rants, Still Standing with Rebecca, SOTU,
Quality Counts & more in this week's EdReform
Newswire!

No Images? [Click here](#)

newswire[©] the CENTER FOR EDUCATION REFORM

Vol. 18, No. 2
January 12, 2016

A weekly report on education news and commentary you won't find anywhere else, spiced with a dash of irreverence, from the nation's leading voice in school reform.

RANDI'S RANTS. AFT President Randi Weingarten is having a rough few days. After grumbling over how the feds are handling opt outs under the new ESSA, she now has to read headlines about how the Supreme Court Justices could be siding with veteran teacher Rebecca Friedrichs, who believes it's against her First Amendment right to be forced to pay dues to an organization she chooses not to belong to. Yesterday, we stood in the crowd among Friedrichs supporters alongside paid protestors who didn't really know why they were there, other than they were just told to "show up." Once we started mingling with the Union ralliers, it was clear that some of them actually stood for some of the very issues that were at the core of Team #Friedrichs!

#ISTANDWITHREBECCA. We continue to stand with Rebecca and her brave colleagues until the Court reaches a decision expected late June 2016. A few of MANY highlights from those who publicly spoke in support of the cause for teachers' rights:

"If we trust our teachers to educate our children, we should trust them

to choose about their union” – Julie Collier, Founder, Executive Director, Parents Advocate League and CER Grassroots Advisory Board Member



“Great education is about great educators, and great educators need freedom. You cannot drown out the rights of teachers in this country!” – Jeanne Allen, CER Founder and President Emeritus

Thanks to the State Policy Network for their great work on organizing support for Rebecca and teachers nationwide, and to organizations like AAE who offer alternatives to educators.

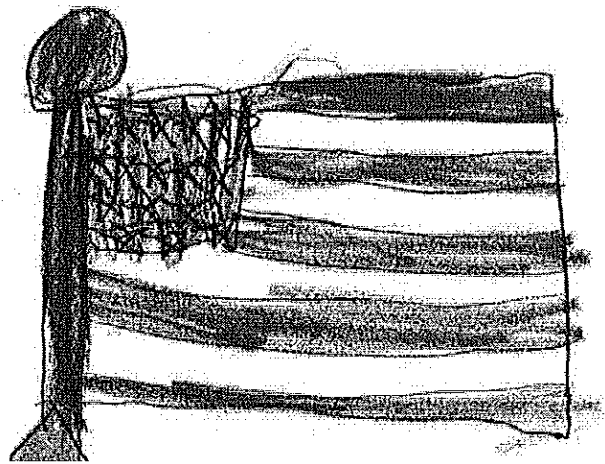


Watch the Live Google Hangout following yesterday's oral arguments, and check out pics from the event. Regardless of the outcome, the High Court taking on the issue of teacher freedom is already a win because it exposes the public to the power of collective bargaining.

QUALITY COUNTS. While still big on inputs and spending to rank states (giving New York inflated scores over Florida despite achievement gains of the latter over the former) *Education Week's* Quality Counts is a welcome

and informative tool in the area of student achievement. If you break out the results from the inputs, the story of American education progress is clear — states that are innovators and have created and sustained structures that challenge the status quo do better with students who are behind and improve schooling for all as a result. A few key takeaways for reformers here.

#SOTU. Tonight, President Obama will establish what his legacy will mean in the State of the Union address, and no doubt present the case for work that remains outstanding. With the Race to the Top initiative and Student Success Act behind us, we suspect that our President will largely ignore the importance of the **real** unfinished business of education.



And so we offer a wish list to reflect the philosophies of those who work on the ground daily to advance innovation, freedom, and flexibility in American education, complete with suggested guest appearances for the First Lady's box.

NEW JUSTICE IN TOWN. Great news in Arizona, where edreform-minded Gov. Doug Ducey has appointed school choice champion Clint Bolick to the state's highest court. Bolick is co-founder of the Institute for Justice, an institution that's become a mainstay in helping school choice programs fight court battles brought on by the BLOB. He was a lawyer in one of the most important U.S. Supreme Court decisions in education since *Brown v. Board*, the famous Zelman v. Simmons-Harris case, which ruled Ohio's voucher program constitutional.

EDU GOES SOUTH. Not really, (well, that is, unless our leaders choose to ignore mandates for change and principles surrounding innovation and opportunity that provide bold agendas for what it truly takes to improve education in this country), but just in a matter of speech, thanks to the Jack Kemp Foundation's Kemp Forum on Expanding Opportunity in South Carolina this weekend. Many of the presidential hopefuls and leaders in attendance talked about the link between poverty and education, and how expanding opportunity by way of #edreform is key. A quick social media recap here.

The Center for Education Reform
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ABOUT CER: The Center for Education Reform (CER), since 1993, aggressively pursues laws that demand flexibility, freedom and innovation, without delay. Visit www.edreform.com for more information.

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From: Heartland Institute: The Government Relations Team
Sent: Thursday, January 14, 2016 2:02 PM
To: Rep48
Subject: The Leaflet - The Top Issues Facing States in 2016

The Top Issues Facing States in 2016

In November 2015, The Heartland Institute published *Ten State Solutions to Emerging Issues*, an informative and concise booklet examining 10 of the most useful public policy solutions to important issues facing states in 2016. The solutions identified are proven reform ideas that have gained significant momentum among the states and with legislators in recent years. Highlighted below are some of the key takeaways for each policy area.

Budget and Tax Solutions. Oklahoma and Utah have addressed pension reform in a sustainable way, at a time when most state pension systems across the country are diverting money away from essential government services and creating pressure for tax increases. Arizona, Kansas, and Missouri, among other states, passed welfare reforms in 2015 that aim to move people from government dependency to self-sufficiency, and many other states are expected to do the same in 2016.

Education Reform Solutions. Students in the United States perform poorly compared to their counterparts in other countries, even though per-pupil spending in America is far higher. Many states have responded by expanding school choice through increased access to charter schools, vouchers, education savings accounts (ESAs), parent trigger programs, and tax credits. For example, Nevada's new ESA program may serve as a model for other states. In addition, some states are fighting back against Common Core State Standards and Common Core-related testing mandates.

Energy and Environment Solutions. The debate over environmental protections has shifted as energy production in the United States has increased over the past decade. This is due to several factors, including the development of effective horizontal drilling techniques and the rise of hydraulic fracturing, commonly called fracking, and because concerns related to global warming have diminished. Kansas, North Carolina, Ohio, and West Virginia have taken steps to roll back their renewable energy portfolio mandates. Additionally, states are warming up to the safety and benefits of fracking and are beginning to recognize how costly and ineffectual many climate change regulations have been.

Health Care Solutions. Indiana and Pennsylvania, among other states, are considering reform of their certificate of need laws, which restrict competition among health care providers and drive up costs. Twenty-four states have opted not to expand Medicaid under the Affordable Care Act,

seeking instead to fix some of the problems that have plagued the program for years.

Constitutional Solutions. State elected officials are increasingly concerned by the national government's lack of fiscal discipline. Many are considering the use of Article V of the U.S. Constitution to restore the role of the states and to prevent burdening future generations with ever-greater government debt. Six states passed seven Article V resolutions or bills in 2015, and all 50 states either saw bills introduced or recently adopted Article V resolutions.

The Heartland Institute is happy to provide free copies of *Ten State Solutions to Emerging Issues*, send an expert to your state to testify or brief your caucus, help organize an event, or provide additional research on these issues. If you have any questions or comments, please contact State Government Relations Manager Nathan Makla at nmakla@heartland.org or call 312/377-4000.

Budget & Tax

Research & Commentary: Should Alaska Reestablish an Income Tax?

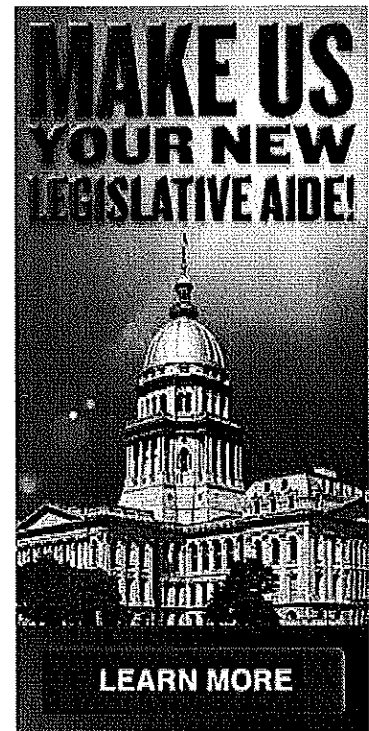
The fall of global oil prices has led to a \$3.5 billion deficit for Alaska's upcoming budget. According to *U.S. News & World Report*, Alaska has been using savings to balance its budget at an estimated rate of \$10 million a day. In order to close the deficit, Gov. Bill Walker (I) has introduced a budget plan that implements a series of tax hikes, including a reestablishment of the state's personal income tax, tobacco and alcohol excise tax hikes, and several business tax hikes.

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans argues Alaska should avoid reestablishing the income tax and preserve the state's economic competitiveness by leaving more money in the pockets of the state's citizens and businesses to spend, save, and invest. Instead of tax increases, the state should look to limit the rate at which budget spending increases moving forward. [Read more](#)

Education

New York State Superintendent Imposes Collective Bargaining Changes in Buffalo

Tom Gantert, senior capitol correspondent for *Michigan Capital Confidential*, covers in this *Heartlander* article a recent decision by New York State Education Commissioner MaryEllen Elia to impose a superintendent's proposed revisions to a collective bargaining contract, despite objections from the teachers union on the other side of the table. The ruling was handed down on November 9. Gantert reports the changes apply only to the five worst-performing schools in the City of Buffalo. The Buffalo City School District has 57 schools. [Read](#)



[more](#)

Energy & Environment

Hundreds of Democrats Challenge President's Climate Policies
A coalition composed of hundreds of Democratic Party officials and state and local officeholders from 32 states sent a letter to President Barack Obama outlining their objections to his climate change policies. H. Sterling Burnett, managing editor of *Environment & Climate News*, notes the letter takes aim at the centerpiece of Obama's climate change agenda, the Clean Power Plan. The coalition, referring to itself as CoalBlue, says it has "serious and overriding concerns" about the Environmental Protection Agency's (EPA) new emissions rules for power plants. The letter, which was signed by 177 state legislators, 278 local elected officials, and 148 Democratic Party officials, argues an energy policy "focused on clean is not enough." Energy production must also be affordable and reliable, the letter states. [Read more](#)

Health Care

Attempts to Roll Back CON Laws Underway in Virginia
Virginia is one of 36 states that have certificate of need (CON) laws. CON laws are intended to slow the growth of health care prices, promote consolidation of health care providers, and limit the duplication of services. In this *Consumer Power Report* article, Heartland Editor Justin Haskins examines eight legislative reforms designed to scale back some of the state's CON laws that are being advocated by three Virginia state delegates in the General Assembly. "Few Americans know the substantial and detrimental effects certificate of need laws have on the quality of health care in the 36 states that have chosen to enact them. These laws not only reduce access to quality care, they place a substantial degree of power to make important health care decisions in the hands of government bureaucrats, ignoring the professional opinions of highly educated doctors and other medical experts." [Read more](#)

Technology

Report: IRS Spending Millions on Redundant Tech Systems
Andrea Dillon writes in this *Heartlander* article about a recent report from the U.S. Department of the Treasury which found the Internal Revenue Service (IRS) is spending millions of taxpayer dollars on needlessly redundant information technology systems used to verify tax data. "The Treasury Inspector General for Tax Administration report says the IRS' inability to decide between two report verification systems, the obsolete Electronic Fraud Detection System and the newer Return Review System, costs taxpayers about \$1.5 million every month." [Read more](#)



The January issue of *Budget & Tax News* reports the U.S. Department of Housing and Urban Development is proposing to ban smoking in all taxpayer-funded housing apartments in the country. The rule may extend to e-cigarette use in public housing. William Anderson, a professor of economics at Frostburg State University, says the proposed rule goes too far. "If you ban e-cigarettes, there literally is nothing else that you can't ban," Anderson said. [What about reading material?](#)

Environment & Climate News

Health Care News

School Reform News

From Our Free-Market Friends

Mercatus Center Study: State Certificate-of-Need (CON) Health Care Laws Limit Patient Access

In a recent Mercatus Center study, George Mason University professor Thomas Stratmann and Ph.D. student Matthew Baker examine state data on MRI, CT, and PET scans, three critical services restricted by CON regulations in 21 states. They find that CON laws reduce access to quality health care services and severely limit the number of small providers in a state.

[Read more](#)

Heartland Institute

The Heartland Institute is a 30-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

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From: Policy Matters Ohio
Sent: Monday, January 25, 2016 5:24 PM
To: Rep48
Subject: Our latest e-news: Hashtags, hiring and more

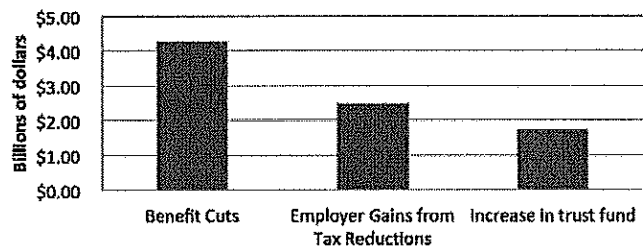
Policy Matters Ohio

A roundup of happenings at Policy Matters Ohio.....

#Nation'sWorst - Research Director Zach Schiller exposed an egregious assault on unemployment compensation that would make Ohio's system one of the worst in the country in many ways, slashing benefits, hacking eligibility, and cutting employer taxes. Zach's and researcher Hannah Halbert's [dogged reporting](#) on House Bill 394 - the worst anti-worker bill since the SB5 attack on collective bargaining -

sparked statewide news coverage. Major daily newspapers [editorialized against the bill](#), some more than once. Our allies at Advocates for Ohio's Future and in the labor movement testified and issued phenomenal action alerts. Opponents created a hashtag #StartOver394. The backlash slowed the bill, and led lawmakers to make several amendments. But this will be a train wreck if Ohio families don't derail it.

HB 394 Funding Changes to the Unemployment Compensation System, 2017-2025



Hurting a good thing - Senior project director Wendy Patton's recent report found that provisions in the Ohio budget would [reverse progress](#) under Medicaid expansion. Expanding Medicaid has delivered health insurance to more than 650,000 Ohioans, saved money, and brought federal dollars into the state. But lawmakers are seeking a waiver from the federal government that would impose premiums and penalties on patients. This will end up causing tens of thousands to lose health-care coverage, as studies have

repeatedly found. "This will work against the good health results Ohio has seen with Medicaid expansion," Patton said.

Weatherize it - Since Ohio froze clean-energy and efficiency standards in 2014, electric utility investment in low-income home weatherization has declined by 26 percent. That's the upshot of a recent report written by Policy Matters' Amanda Woodrum, in collaboration with NextGen Climate America and Ohio Partners for Affordable Energy. Weatherization reduces the need for struggling families to seek utility payment assistance and creates jobs in Ohio's energy economy. If Ohio weatherized 30,000 homes of customers in payment-assistance programs each year for 13 years, we'd create nearly 2,400 jobs and produce roughly \$1.77 billion in savings for Ohio families.

Jobs crawling back - Job growth in Ohio continues to lag the national rate, but the last few months have brought solid gains. The state added 15,200 jobs in December, the third straight month of strong growth, our workforce researcher Hannah Halbert reports in the latest JobWatch. The late-year rally followed very slow growth in 2015. But it will take many more quarters of good results to get Ohio firmly on track. We have added jobs at a rate slower than the nation's since the start of the 2007 recession. U.S. jobs have grown by 3.5 percent since then, while the Ohio rate stands at 0.6 percent.

Zombie power plants - The Public Utilities Commission of Ohio is considering forcing FirstEnergy ratepayers to subsidize two outdated, inefficient power plants that can't produce energy at competitive rates. Researcher Michael Shields described the misguided arrangement to keep the two plants in business - the coal-fired W.H. Sammis plant on the Ohio River and the Davis-Besse nuclear plant near Toledo. "It's a mistake to make First Energy customers pay for this inefficient bailout deal," Michael wrote.

Join our crew: Policy Matters is hiring an outreach coordinator now in Cleveland and recruiting people with a master's degree to take part in an amazing state policy fellowship where you could be placed in our Cleveland or Columbus office starting next fall. The fellowship application deadline is Feb. 8. Check 'em out!

Keep clicking! - We love our social media pals. Keep growing the movement by liking us on Facebook and following us on Twitter.

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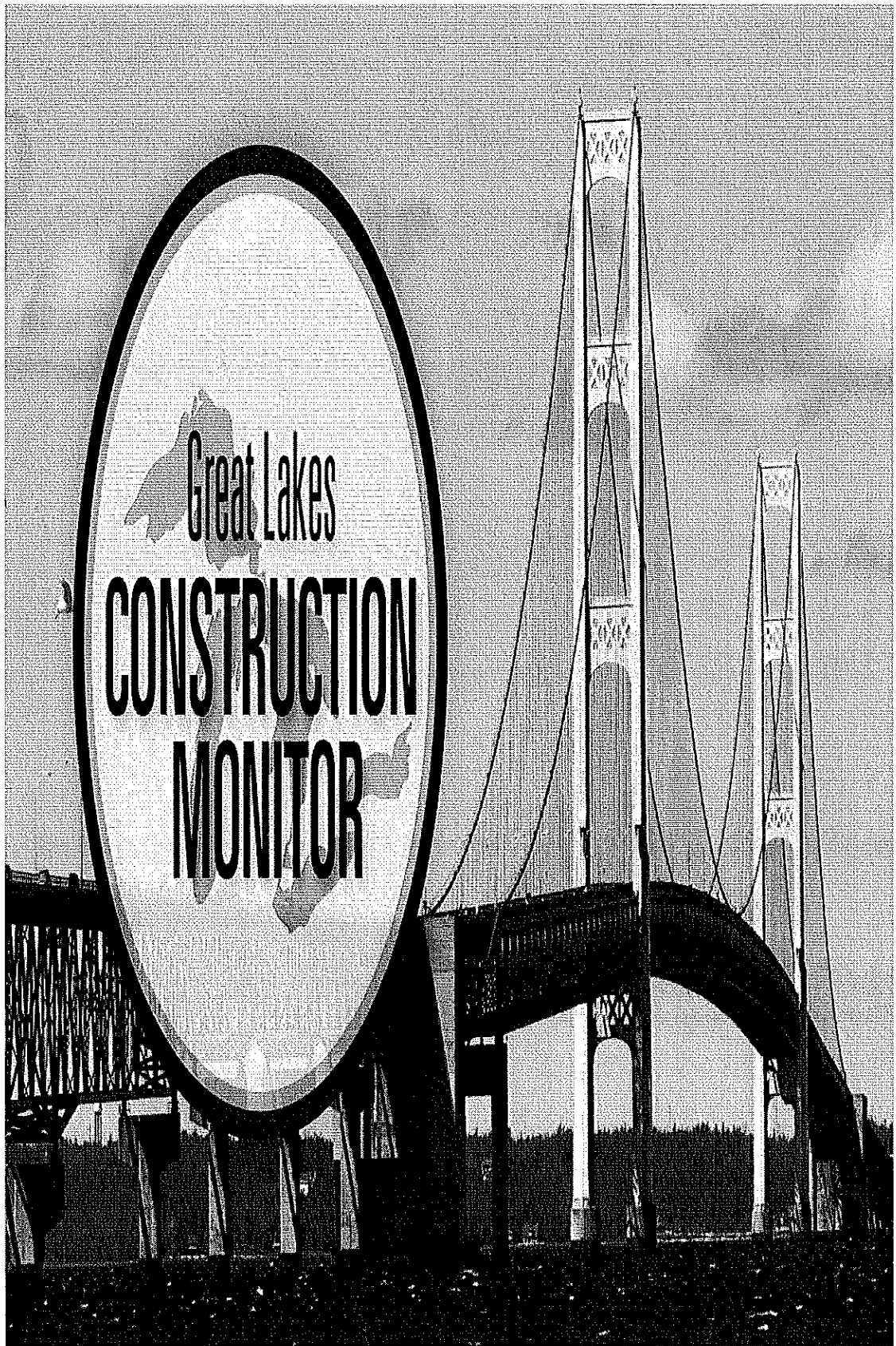


Policy Matters Ohio | Columbus | 43215 | Cleveland | OH | 44114

From: Great Lakes Construction Monitor
Sent: Thursday, February 4, 2016 9:00 AM
To: Rep48
Subject: TaylorMade Electric and IBEW 8 form Partnership

TaylorMade Electric

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TaylorMade Electric and Employees Create Partnership with IBEW Local 8

Toledo, Ohio Jan. 2016:

Electricians for TaylorMade Electric, LLC – an electrical contracting firm located in Toledo, Ohio have elected The International Brotherhood of Electrical Workers Local Union No. 8 as their exclusive collective-bargaining representative.

The Election was certified by the National Labor Relations Board Region 8, United States of America.

Joe Cousino – Business Manager for Local 8 said “we are excited to be partnering with *TaylorMade* and look forward to making both the company and its employees more successful. We fully expect *TaylorMade* to grow and will do our best to help facilitate their success.”

Taylormade Electric performs residential and commercial work in Northwest Ohio and Southeast Michigan. It was formed in 2003 and employs 10 full time electricians.

Read More Breaking News

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From: Public Policy Law360
Sent: Thursday, March 3, 2016 4:44 AM
To: Rep48
Subject: Kennedy Doesn't Show Hand In High Court Abortion Law Row



Thursday, March 3, 2016



TOP NEWS

Kennedy Doesn't Show Hand In High Court Abortion Law Row

Likely the deciding vote, Justice Anthony Kennedy offered no clear indication of his position Wednesday during arguments over a Texas law more strictly regulating abortion doctors and clinics, as the U.S. Supreme Court's liberal wing gave the state's defense of the law a hostile reception.

SEC Commish Says Securitization Rules Have Hurt Markets

U.S. Securities and Exchange Commissioner Michael S. Piwowar said Tuesday that the cumulative effects of new rules governing securitization offerings may have caused issuers to shy away from public markets in recent years, and turn instead to private offerings.

DOI Secretary Defends 2017 Budget Proposal

Interior Secretary Sally Jewell defended her department's budget request of \$13.4 billion for 2017 in the face of intense, and sometimes hostile, opposition during a house committee hearing on Tuesday, saying that the budget expands economic opportunities for Native

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DLA Piper
Dentons
Earthjustice
Foley Hoag
Gibson Dunn
Greenberg Traurig
Hinshaw & Culbertson
Hogan Lovells
Holland & Knight
Jones & Keller
K&L Gates
Katten Muchin
Keller and Heckman
Latham & Watkins
Lewis Roca
McCorriston Miller
McCusker Anselmi
Mintz Levin
Morrison & Foerster
Orrick Herrington
Paul Hastings

Americans and promotes responsible energy development.

FCC Officials Clash On Effects Of Open Internet Order

Federal Communications Commission Chair Tom Wheeler and Republican Commissioner Ajit Pai battled before a Senate committee Wednesday on the Open Internet Order's impact on investment in broadband infrastructure, offering wildly different reports of how moving broadband under FCC jurisdiction has affected network expansion.

8th Circ. Judge Being Vetted For Supreme Court Nomination

Eighth Circuit Judge Jane Kelly is undergoing background checks by federal investigators for her potential nomination to the U.S. Supreme Court to replace Justice Antonin Scalia, according to media reports, the latest indication the White House is eyeing federal appellate judges with earlier bipartisan support for the job.

BANKING & SECURITIES

US Risk Panel Keeps SIFI Tag On MetLife

The Financial Stability Oversight Council said Wednesday it will keep MetLife Inc. a systemically important financial institution despite emphatic protests.

House Panel Approves Bill Allowing 'Venture Exchanges'

A divided House committee approved a bill Wednesday that would enable the creation of venture exchanges for "early-stage growth" companies, potentially boosting liquidity for small businesses that face restrictions in selling securities, including those registered under the expanded Regulation A.

ENERGY & ENVIRONMENTAL

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Pillsbury Winthrop
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Siskind Susser
Vinson & Elkins
Weil Gotshal
Williams & Connolly
WilmerHale
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COMPANIES

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Altera Corporation
American Academy of Pediatrics
American Arbitration Association
American Cancer Society Inc.
American Civil Liberties Union
American Express Company
American Immigration Lawyers Association
American International Group Inc.
Apple Inc.
Associated Press
Bloomberg
Boston Celtics
CTIA
Caseys General Stores, Inc.
Chicago Bulls
Chicago White Sox
Comcast Corporation
Dow Jones & Co.
Electronic Frontier Foundation
Golden State Warriors
Google Inc.
Grocery Manufacturers Association
Intel Corporation
JPMorgan Chase & Co.
MetLife Inc.

EPA Urges High Court Not To Stay Its Mercury Rule

The U.S. Environmental Protection Agency on Wednesday urged the Supreme Court not to stay its controversial mercury air toxics rule, arguing that the D.C. Circuit reasonably exercised its discretion not to vacate the regulations during the agency's revision process.

DOI Units Hamstringing Energy Industry, Lawmakers Say

House panelists criticized three U.S. Department of the Interior agencies Wednesday about the president's energy policy and 2017 budget request, slamming the regulators for hamstringing the energy industry with an upcoming well safety rule and by slow-walking or denying coal and oil leases.

DOI Head Fields Tough House Questions About Coal Policies

U.S. Department of the Interior Secretary Sally Jewell on Wednesday defended her agency's tough coal policies in front of a House subcommittee packed with critics who called for her to ease up on the struggling industry.

Wash. Fishing, Enviro Groups Say EPA Can't Delay Water Rule

A group of environmental nonprofit and commercial fishing industry groups on Tuesday urged a Washington federal judge to find the U.S. Environmental Protection Agency is neglecting public health by failing to finalize new rules governing water pollution in the state.

Pa. Climate Bill Would Halve Greenhouse Gas Emissions

A Pennsylvania state lawmaker on Monday said that a bill he plans to introduce would halve the state's greenhouse gas emissions by 2030 by implementing new pollution reduction benchmarks on agricultural operations, businesses and residences.

Microsoft Corporation
NASDAQ OMX Group Inc.
NBCUniversal Inc.
National Association of Broadcasters
National Association of Insurance Commissioners
National Association of Realtors
National Basketball Association
National Congress of American Indians
Natural Resources Defense Council
New York Times Co.
New York University
Oracle Corporation
Philip Morris International Inc.
Planned Parenthood Federation
PricewaterhouseCoopers
Prudential Financial Inc.
Public Knowledge
R.J. Reynolds Tobacco Co.
Sierra Club
Sprint Nextel Corporation
St. Louis Blues
State Bar of California
The Hospital and Healthsystem
Association of Pennsylvania
TripAdvisor Inc.
U.S. Chamber of Commerce
Verizon Communications
Wal-Mart Stores Inc.
Watanabe Nason
Zeughauser Group LLC

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Bureau of Indian Affairs
Bureau of Land Management

HEALTH & LIFE SCIENCES

Zika Spurs New FDA Blood, Tissue Donation Guidelines

The U.S. Food and Drug Administration on Tuesday released new recommendations in efforts to reduce the potential spread of the Zika virus through donated human cells and tissues for use in surgical or reproductive procedures.

Fla. House Sends Health Care Reforms To Senate

The Florida House of Representatives advanced its health care agenda Wednesday, passing more than a half-dozen bills by large margins, but the reforms, addressing issues such as ambulatory-surgical centers, direct primary care and prescription powers for nurses, will likely have varied success in the Senate.

Fla. House Moves Forward On Medical Pot Expansion Bill

The Florida House of Representatives on Wednesday continued efforts to expand the legal scope of medical marijuana in the state, with a vote on a bill that would extend access to all terminally ill patients possible Thursday.

IP & TECHNOLOGY

Honduras Vows To Undertake Sweeping IP Reforms

U.S. and Honduran trade officials on Wednesday announced an agreement that will see the Central American nation pursue a fleet of new policies aimed at providing better protection of intellectual property, particularly within the agriculture and telecommunications sectors.

TRANSPORTATION & INFRASTRUCTURE

Bureau of Ocean Energy Management
Bureau of Safety and Environmental Enforcement
Centers for Disease Control and Prevention
Department of Health and Human Services
Department of Homeland Security
Department of the Interior
Environmental Protection Agency
Federal Aviation Administration
Federal Bureau of Investigation
Federal Communications Commission
Federal Reserve System
Financial Stability Oversight Council
Food and Drug Administration
Government Accountability Office
Indian Health Service
Internal Revenue Service
Iowa Tribe of Kansas and Nebraska
Merit Systems Protection Board
Office of the U.S. Trade Representative
Pipeline and Hazardous Materials Safety Administration
Port Authority of New York & New Jersey
Securities and Exchange Commission
U.S. Department of Justice
U.S. Department of Transportation
U.S. Department of Veterans Affairs
U.S. Department of the Treasury
U.S. House of Representatives
U.S. Supreme Court
United Nations

Ex-Christie Staffer Fights To Unseal Bridgegate Names

The former Gov. Chris Christie aide facing criminal charges over the George Washington Bridge lane closures rejuvenated her effort to obtain the names of unindicted conspirators who knew of the alleged scheme, telling a federal judge Monday the information is "crucial" to her case.

FAA Admin Says \$15.9B Budget Request Crucial For NextGen

The head of the U.S. Federal Aviation Administration urged Congress on Wednesday to approve the agency's \$15.9 billion budget request, which he argued is crucial to seeing the benefits of the NextGen initiative to update the country's airspace.

INSURANCE

House Approves Bill To Prevent Cross-State Medicaid Fraud

The U.S. House of Representatives on Wednesday unanimously passed a bill, with the backing of the White House, intended to ensure Medicaid providers terminated for fraud or quality issues in one state are also excluded from other states' programs.

House Committee Approves Private Flood Insurance Bill

A U.S. House of Representatives committee on Tuesday approved a bill that would make it easier for privately underwritten flood insurance policies to satisfy federal lending requirements, which supporters say would help develop a larger private market of flood products to compete with the National Flood Insurance Program.

EMPLOYMENT

Ore. Hikes Minimum Wage Using Unique 3-Tier System

World Health Organization

Oregon Gov. Kate Brown signed into law Tuesday landmark legislation that increases the state's minimum wage according to a three-tier system based on an employer's geographic location within the state, with the highest mandated wage of nearly \$15 per hour slated for workers in the Portland metropolitan area.

NJ Lawmaker Wants Atlantic City Bailout To Preserve CBAs

New Jersey Assembly Speaker Vincent Prieto denounced a provision of the proposed Atlantic City bailout legislation that would put the state in control of union contracts, arguing Wednesday that the collective bargaining rights of police, firefighters and others need to be respected.

VA Eyes Discipline For Legal Staff's Racist, Sexist Emails

The U.S. Department of Veterans Affairs said Tuesday it is seeking disciplinary action against three internal attorneys and has lodged misconduct complaints against two administrative law judges after an inspector general found they had been sending racist and sexist emails.

Ill. House Can't Override Gov. Veto On \$720M College Funds

The Illinois House of Representatives failed to gather the necessary votes Wednesday to override a gubernatorial veto on \$720 million of higher education funding, even as one college dependent on state aid for poor students said it was on the brink of laying off its entire staff.

PRIVACY & CONSUMER PROTECTION

Feds Treating Apple As Spy In Phone Unlock Row, Groups Say

The American Civil Liberties Union and other privacy groups on Wednesday backed Apple in its challenge to a California court order requiring it to help unlock a suspected mass shooter's iPhone, arguing that tech companies cannot be

forced to act as government "spies" or intentionally weaken digital security.

CTIA Urges 9th Circ. To Halt Berkeley's Cellphone Warning Law

CTIA-The Wireless Association implored the Ninth Circuit on Monday to stop Berkeley, California, from implementing an ordinance that requires a radiation warning statement with all new cellphones, saying phone retailers will be harmed by delivering a message they don't believe.

PRODUCT LIABILITY

E-Cig Use Doesn't Fly Under In-Flight Smoking Ban: DOT

The U.S. Department of Transportation on Wednesday explicitly banned electronic cigarette use on commercial flights, posting a final rule years in the making that says the existing in-flight smoking ban covers the use of electronic cigarettes.

INTERNATIONAL TRADE

Asia, EU Pacts Drive Administration's Trade Agenda

The U.S. trade representative's office on Wednesday presented a robust plan of action on trade issues, vowing to pass the Trans-Pacific Partnership through Congress while also advancing its talks with the European Union and smaller agreements on the periphery of the World Trade Organization.

UN Security Council Passes New Sanctions On N. Korea

The U.N. Security Council on Wednesday voted unanimously to impose new sanctions on North Korea that U.S. officials touted as the strongest sign yet of global disapproval with the isolated country's nuclear ambitions and rocket research.

US Lauds South Africa's Trade Concessions On Meat Exports

The Office of the U.S. Trade Representative said Wednesday the South African government had lifted trade barriers on U.S. meat exports, and it indicated President Barack Obama was considering withdrawing a threat to take retaliatory measures over the former restrictions.

TAX

Google Parent Could Reap \$3.5B If IRS Loses Altera Appeal

Alphabet Inc., the parent company of search giant Google, has disclosed that it could stand to gain \$3.5 billion if the IRS loses its appeal of the U.S. Tax Court's decision that struck down a rule on stock-based compensation that had boosted the tax bills of many tech companies.

Illinois Appellate Court Affirms State Cigarette Tax Hike

An Illinois state appellate court upheld a state cigarette tax increase Tuesday, saying the statute complies with a principle in the Illinois constitution compelling the uniform application of taxes within a given class, and citing a lack of evidence that the tax unevenly affected distributors.

IMMIGRATION

DHS Knocked For Restrictiveness Of Immigrant Work Rule

Attorneys and immigration groups are urging the government to use a broader standard to allow certain foreign nationals to seek work authorization, casting doubt on a "compelling circumstances" requirement in their comments on a proposed job flexibility rule.

High Court Urged To Undo Block On Obama Immigration Plan

The Obama administration on Tuesday urged the U.S. Supreme Court to overturn the Fifth

Circuit's decision blocking President Barack Obama's key executive actions on immigration, saying a group of more than two dozen states lack standing to challenge the policies.

NATIVE AMERICAN

Kan., 2 Tribes Hammer Out Cigarette-Tax Compacts

Kansas has negotiated new cigarette tax agreements with the Iowa Tribe of Kansas and Nebraska and the Prairie Band Potawatomi Nation intended to improve accounting for cigarettes and tobacco products sold on tribal lands, state officials announced Tuesday.

Vote On Native Hawaiian Constitution Likely, Opponents Say

Six individuals challenging a process to potentially establish a Native Hawaiian government told the Ninth Circuit on Tuesday that the creation of a proposed constitution for the new government during a recently ended convention supported their contention that an illegally race-based vote on the plan is likely.

BIA Rule Would Ease Tribal Land-Into-Trust Bids

The Bureau of Indian Affairs announced an interim final rule on Tuesday that would cut red tape for tribes and individual Native Americans seeking to prove their title to lands in order to have them taken into trust by the federal government.

TELECOMMUNICATIONS

FCC Warning Letter Aims To Give Pirate Radio The Hook

The Federal Communications Commission warned building owners and advertisers in writing Tuesday that supporting pirate radio stations could expose them to enforcement action and simultaneously issued a pointed reminder the stations are illegal and can

interrupt legitimate programming and emergency alerts.

AT&T, Comcast, Advocacy Groups Push For Lifeline Reform

A wide-ranging coalition of industry and advocacy groups that included Verizon, AT&T, Comcast and the American Library Association told the Federal Communications Commission on Tuesday that they support reforms to the Lifeline program, but also urged the FCC to consider several changes to strengthen and streamline it.

EXPERT ANALYSIS

House Politics And The Paul Ryan Speakership

While he has long sought an opportunity to overhaul both entitlements and the tax system, House Speaker Paul Ryan, R-Wis., will need a consensus among his Republican colleagues on how to do so. Ryan has also signaled his understanding that he will need to work with the president to move any legislative priorities, say Rob Freeman and Howard Schweitzer of Cozen O'Connor PC.

Facility Owners And Operators Can Expect More EPA Attention

Revealing its national enforcement initiatives for fiscal years 2017 to 2019, the U.S. Environmental Protection Agency has expanded the sectors and industrial activities that will receive priority attention. These efforts will not be limited to civil enforcement only, say attorneys at Vinson & Elkins LLP.

Plaintiffs Face Challenges In 'Cheese' Class Actions

While recent consumer class actions involving various cheese products each have marked differences, as a whole they serve to illustrate how governmental action can garner attention to a particular food category from the plaintiffs bar. They also highlight significant problems of

proof of deception and damages to purported class counsel, says Christopher Van Gundy at Keller and Heckman LLP.

Wealth Management For New Law Firm Partners

You are about to become a partner or have recently reached that milestone in your career. After surviving numerous challenges, you are being rewarded for the long hours invested on behalf of your firm and your clients. You also have important decisions to make about managing your increasing wealth — but do not let your new status affect those decisions, says investment adviser and recovering attorney Stuart Riemer.

LEGAL INDUSTRY

4 Tips For Evaluating A Lateral's Book Of Business

Hiring lateral partners can benefit both firms and attorneys, but experts say ensuring that the relationship works means minimizing surprises with regard to a potential hire's book of business, so firms should dedicate themselves to developing as accurate a picture as possible of that aspect before sealing any deal. Here are four tips for evaluating a lateral's book of business.

3 Takeaways From K&L Gates' 2015 Financial Report

K&L Gates LLP released its 2015 voluntary financial report on Wednesday amid its latest wave of partner departures. Here are three points, including how profits per partner are up despite revenue being down, that shed some light on the firm's business.

Revenues Soar At Baker Botts, Greenberg Traurig

Baker Botts LLP reported big revenue gains in 2015, increasing 7.9 percent to \$704.5 million, and Greenberg Traurig LLP's gross revenue

grew 4 percent to \$1.32 billion, representatives for the firms confirmed on Wednesday.

GC David Kelly Is Golden State's Legal Warrior

During David Kelly's tenure as general counsel of the Golden State Warriors, he's watched the team grow from underdogs to defending NBA champions with a solid-gold brand. Kelly talked with Law360 about the organization's impending move and expansion, how success on the court resonates in the legal department, and his past life as a BigLaw attorney by day and critically lauded hip-hop artist by night.

4 Tips For Crafting A Foolproof Atty-Client ADR Pact

An increasing number of lawyers are turning to alternative dispute resolution clauses in their legal fee deals and engagement letters, looking to head off squabbles that can play out in the public eye. But some lawyers may need a hand in crafting an airtight pact. Here, Law360 looks at ways to draft a foolproof ADR clause.

Fed. Law Clerks Are Overwhelmingly Liberal, Study Finds

Federal judicial clerks skew even further left than the already-liberal legal sector, according to a new study out this week, which reveals that even clerks appointed by GOP-appointed judges tend to be left-of-center.

JOBS

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NEWS ALERT



March 29, 2016

STATEMENT FROM CER FOUNDER & CEO ON SUPREME COURT SPLIT DECISION IN FRIEDRICHS CASE

Jeanne Allen: Issue of Teachers' Rights Not Going Away

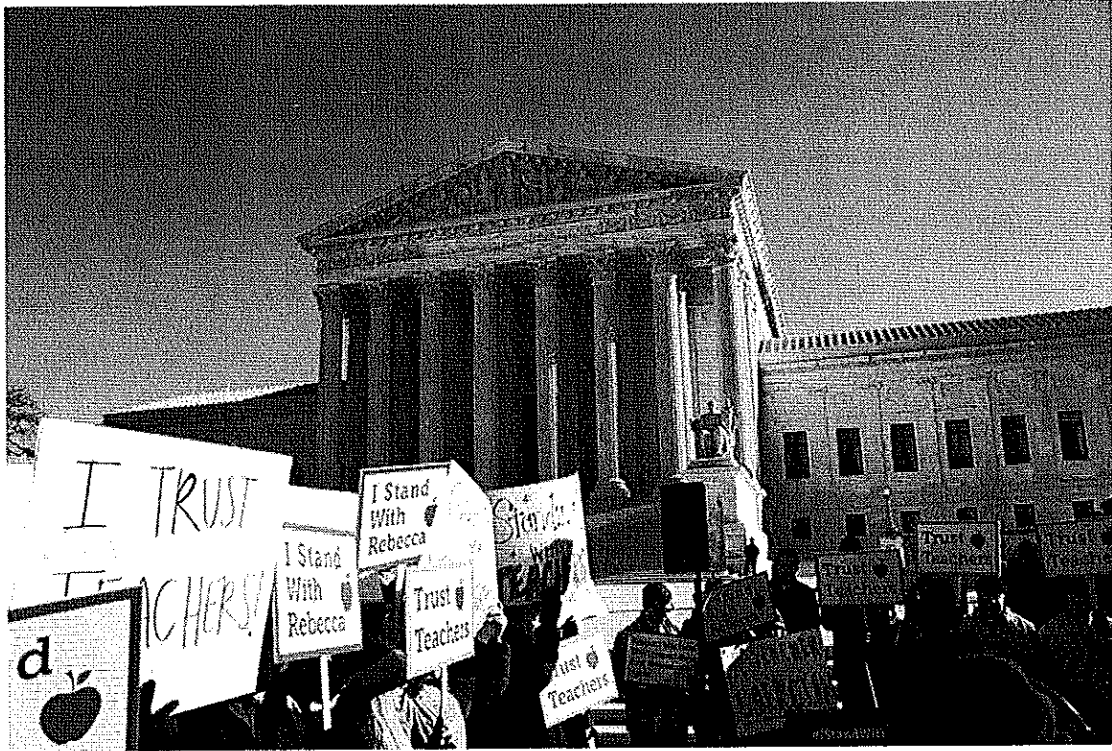
WASHINGTON DC- Jeanne Allen, Founder and CEO of The Center for Education Reform, issued the following statement on the 4-4 Supreme Court ruling in the *Friedrichs v. California Teachers Association et al.* case this morning:

The Supreme Court's split decision on whether or not teachers should have the freedom to make decisions regarding their employment, unfettered by union control, does not mean that the issue of teachers' rights is going away.

Why, in America, when we have freedom of choice and not a day goes by that we as a nation are working to expand it to those who are denied, do we deny it to teachers to make their own decisions about how and under what conditions they should do their important work?

Great education is about great educators, and great educators need freedom. Great and courageous teachers like Rebecca Friedrichs have already exposed the public to the issue of union collective bargaining power in education, and when they come back to fight to make workplace freedom a reality, we will be ready to help them fight for their ability to be treated as professionals. We

simply must. If we cannot educate children unfettered by the politics of unions, we cannot succeed as a nation.



The Center for Education Reform
cer@edreform.com ~ www.edreform.com

ABOUT CER: The Center for Education Reform (CER), since 1993, aggressively pursues laws that demand flexibility, freedom and innovation, without delay. Visit www.edreform.com for more information.



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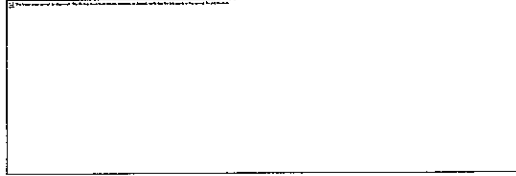


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NEWS ALERT



March 29, 2016

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From: Policy Matters Ohio
Sent: Tuesday, March 29, 2016 4:27 PM
To: Rep48
Subject: SCOTUS: Fair Share is Fair

Policy Matters Ohio



Fair Share is Fair

Supreme Court votes to uphold fair share fees

[View online](#)

Fair share is fair.

That was the finding of an equally divided U.S. Supreme Court, which today issued a one-sentence decision that upheld nearly 40 years of legal precedent and the right of public sector workers to collectively bargain.

No worker can be forced to join a union even though the benefits of a union contract extend to all the workers in the bargaining unit. Those workers who do not want to be full members pay a fair share fee. This ensures that such covered employees who receive all of the benefits of union membership pay some of the costs. Fair share covers the administrative costs of bargaining and administering the contract. Fair share fees do not include costs of political activities. In the *Friedrichs* case decided today, a small group of California teachers objected to paying their fair share and the court has rejected their challenge.

"Fair share is about basic fairness," said Zach Schiller, research director with Policy Matters Ohio. "This decision buoys the rights of working people and promotes stability in the public-workplace."

Hannah Halbert, workforce researcher with Policy Matters Ohio, added that "Ohio voters overwhelmingly defeated Senate Bill 5, legislation that would have stripped many public sector workers of their right to collectively bargain. Working people need more opportunities to have their voice heard on the job, not less."

Today's 4-4 decision upholds the finding of the Ninth Circuit Court of Appeals and it sets no new collective bargaining restrictions for the rest of the country.

Read more about the decision on the [SCOTUS blog](#). Learn more about the impact of unions on Ohio's labor market in our [State of Working Ohio report](#).

###

Policy Matters Ohio is a nonprofit, nonpartisan state policy research institute with offices in Cleveland and Columbus.

Hannah Halbert is a workforce researcher with Policy Matters Ohio.

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Teachers' rights, Louisiana lawsuit, famous charter starters & more in this week's EdReform Newswire!

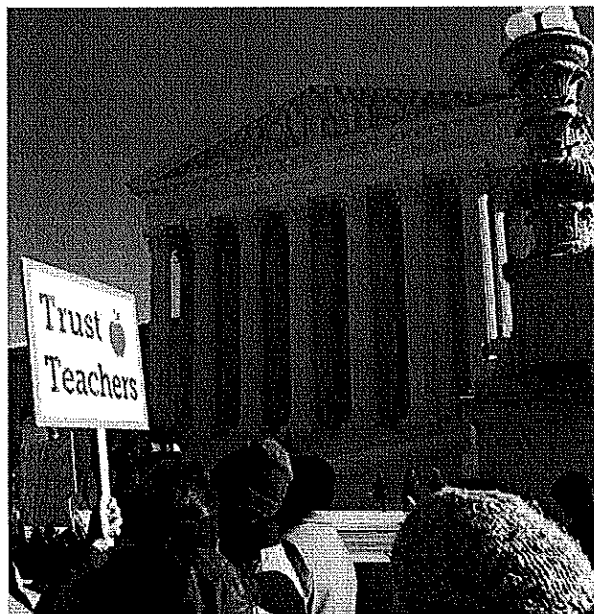
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newswire[©] the CENTER FOR EDUCATION REFORM

Vol. 18, No. 13
March 29, 2016

A weekly report on education news and commentary you won't find anywhere else, spiced with a dash of irreverence, from the nation's leading voice in school reform.

TEACHER RIGHTS. The Supreme Court's split decision today in the *Friedrichs v. California Teachers Association et al.* case does not mean that the issue of teachers' rights is going away. "Great and courageous teachers like Rebecca Friedrichs have already exposed the public to the issue of union collective bargaining power in education, and when they come back to fight to make workplace freedom a reality, we will be ready to help them fight for their ability to be treated as professionals. We simply must." [More from](#)



CER Founder & CEO Jeanne Allen.

LOUISIANA LAWSUIT. "Money will always be the biggest area of dissension in education as long as school boards maintain the flawed position that money belongs to one set of systems and not people," CER told the Louisiana Record about a local school board partnering with the state teachers union to challenge a district court charter school ruling.

CHARTER STARTER. Sean 'P Diddy' Combs is adding edreform to his resume, using his star power for good by starting a charter school in Harlem, NY. He's not the first celeb to open a charter school either. Maybe if MA lifted the cap on charter schools, they would have celebrities rushing to open schools there too...



MUST WATCH. Dr. Wayne Lewis, the Executive Director of Education Programs at the Kentucky Secretary of Education's Office, gives a fantastic briefing on what charter schools can offer The Bluegrass State. Watch here.

RACE & CHARTERS. There's a much bigger story to how and why charter schools uniquely succeed that was not covered well in The *Boston Globe's* "Racial aspects tinge Mass. charter debate" article. [Here's the real deal.](#)



ED TECH INNOVATION OF THE WEEK. School choice could be getting easier for parents thanks to mobile tools and technology like SchoolMint. [EdSurge has the scoop here.](#) (Have an ed tech innovation that advances student, educator or parent power? Send it to Michelle@edreform.com)

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ABOUT CER: The mission of the Center for Education Reform (CER) is to expand educational opportunities that lead to improved economic outcomes for all Americans, particularly our youth, ensuring that the conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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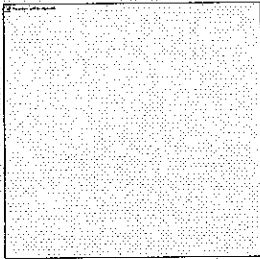
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From: The Buckeye Institute

Sent: Tuesday, April 12, 2016 11:05 AM

To: Rep48

Subject: Just Released: Ohio Leapfrogged 30 Other States in New Rich States, Poor States Ranking



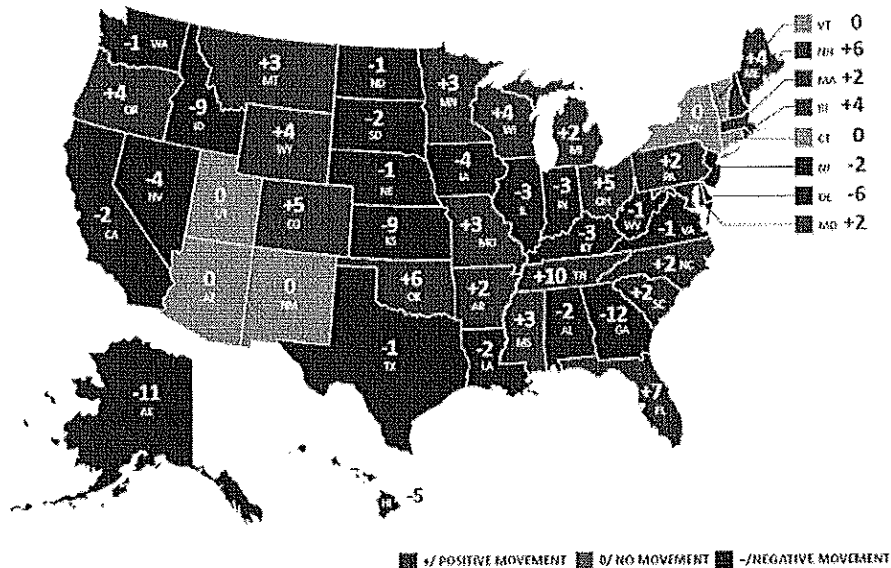
Buckeye Institute News Alert

Contact: Greg R. Lawson
614-224-4422
Greg@BuckeyeInstitute.org

FOR IMMEDIATE RELEASE
April 12, 2016

Earlier this morning economists Dr. Arthur B. Laffer, Jonathan Williams, and Stephen Moore released their 9th edition of Rich States, Poor States for the American Legislative Exchange Council.

RICH STATES, POOR STATES ECONOMIC OUTLOOK RANKING CHANGES FROM 2015 TO 2016

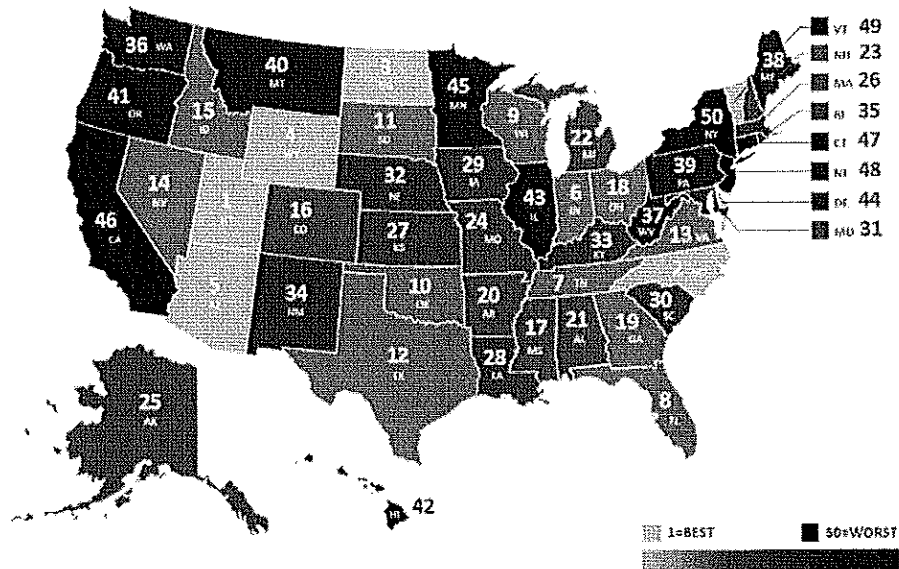


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AMERICAN LEGISLATIVE EXCHANGE COUNCIL

Governor Kasich and the General Assembly have cut income tax rates, eliminated the death tax, and constrained some spending. Only Kansas has cut more in taxes than Ohio over the past nine years. These policies have helped Ohio move up from the 49th worst economic performance out of the 50 states to the 18th best in the new rankings. Ohio's improvement was the largest increase in the nation.

2016 RICH STATES, POOR STATES ECONOMIC OUTLOOK RANKINGS



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ALEC
 American Legislative
 Exchange Council

The rankings prove that cutting and eliminating taxes, reducing spending, and enacting labor reforms are the keys to economic prosperity. Ohio has taken steps on the first two counts, which means that the good news is that Ohio no longer has a bottom five ranking in this index, a place it had languished far too long. The bad news is that Ohio can't afford complacency and desperately needs to join our neighboring states in reforming labor laws. Wisconsin, which reformed its collective bargaining laws for public employees and adopted Right to Work, moved into the top ten on the Rich States, Poor States index. Ohio needs real labor reform in order to continue its ascent and reach its economic potential.

Thank you for supporting The Buckeye Institute's efforts to promote sound public policy in Ohio and all of the states.

###

Founded in 1989, The Buckeye Institute is an independent research and educational institution--a think tank--whose mission is to advance free-market public policy in the states.

The Buckeye Institute, 88 East Broad Street,
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Sent by info@buckeyeinstitute.org

From: Public Policy Law360
Sent: Wednesday, May 11, 2016 4:31 AM
To: Rep48
Subject: Garland Puts Abu Ghraib, Drone Strike Cases In Career Top 10



Wednesday, May 11, 2016



TOP NEWS

Garland Puts Abu Ghraib, Drone Strike Cases In Career Top 10

U.S. Supreme Court nominee Judge Merrick Garland cited decisions on CIA drone strike records and abuse at Abu Ghraib as career highlights on a Senate Judiciary Committee questionnaire Tuesday, with the White House quickly claiming that the response demonstrates Judge Garland's suitability for the high court.

'Yates Memo' Author Defends Policy, Says Shift Is In Effect

Deputy Attorney General Sally Quillian Yates on Tuesday defended the Justice Department's renewed policy to prosecute individuals in corporate cases, pushing back against criticism over attorney-client privilege concerns, but warning that individuals are now in prosecutors' sights from the inception of an investigation.

10 States Seek To Enter Challenge To DOL Persuader Rule

Ten states including Texas asked a Texas federal court on Tuesday if they can be part of a case initiated by several business groups that challenges the U.S. Department of Labor's "persuader" rule, saying the regulation

LAW FIRMS

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Arnold & Porter
Baker & McKenzie
BakerHostetler
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Berwin Leighton
Blank Rome
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BuckleySandler
Chadbourn & Parke
Clifford Chance
Clyde & Co
Cohen & Gresser
Covington & Burling
Dentons
Dewey & LeBoeuf
Dickstein Shapiro
Edelson PC
Finnegan
Gibson Dunn
Herbert Smith Freehills
Hogan Lovells
Holland & Knight

threatens their "exclusive" rights to regulate the practice of law.

McConnell Blocks Dem Bid To Confirm 11 Judicial Nominees

Senate Majority Leader Mitch McConnell, R-Ky., on Tuesday blocked Democrats' attempts to confirm 11 federal judicial nominees for vacancies in nine states, arguing they had wrongly attempted to skirt the proper confirmation process.

NC Dems Offer Sweeping Rewrite Of Bathroom Law

Just a day after North Carolina traded lawsuits with the U.S. Department of Justice over the legality of the state's infamous transgender bathroom law, Democratic lawmakers in the state introduced a bill that would rewrite the state's anti-discrimination policy to protect people on the basis of their transgender status.

ANALYSIS

Treasury Recs Could Limit Disruption By Marketplace Lenders

A Treasury Department study on marketplace lending released Tuesday showed that the still young industry, touted as a disruptive force in finance, will likely have to deal with an increase in federal regulation even as it confronts a slew of other problems that have recently bubbled up.

Tax Credit Eligibility Boost Puts Wind In Developers' Sails

The Internal Revenue Service's recent doubling of the time clean energy developers have to complete projects in order to qualify for the renewable production tax credit lowers risks for both developers and investors, and will translate to more green projects being launched and completed, experts say.

BANKING & SECURITIES

Holman Fenwick
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Jones Day
Kaye McLane
Keller and Heckman
Kemp Smith
Latham & Watkins
Leech Tishman
Manatt Phelps
Mayer Brown
Norton Rose Fulbright
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Richards Kibbe
Saxe Doernberger
Schiff Hardin
Shearman & Sterling
Sheppard Mullin
Sidley Austin
Stoel Rives
Taylor Wessing
Venable LLP
White & Case
Winston & Strawn

COMPANIES

AT&T Inc.
American Bankers Association
American Civil Liberties Union
Ames & Gough
Berkeley Research Group
CTIA
Center for Biological Diversity Inc.
Cisco Systems Inc.
Comcast Corporation
Dell Inc.
Deloitte Touche
Diodes Incorporated

CFTC Wasting Taxpayer Cash On Extra Offices, Watchdog Says

The Commodity Futures Trading Commission's inspector general published a report Tuesday saying the agency spends too much on office space it doesn't need, estimating the CFTC will spend up to \$56.8 million on empty space over the duration of its current leases.

SEC Approves PCAOB Contributing Auditor Disclosure Rules

The U.S. Securities and Exchange Commission on Monday stamped its final approval on new rules administered by the Public Company Accounting Oversight Board requiring auditors to disclose engagement partners and other accounting firms involved in an audit of a publicly traded company.

UK Risk Appetite Sours Ahead Of Brexit Vote

Troubled by the uncertainty surrounding the British vote to leave the European Union, U.K. chief financial officers have turned sharply more conservative, preferring to cut costs and improve cash flow but seldom making contingency plans for a potential departure, a Deloitte survey revealed.

European PE Investment Rises Due To Cross-Border Activity

Private equity investments in Europe climbed to €47.4 billion (\$53.9 billion) last year and nearly one-third of those investments were cross-border, according to a study released on Tuesday by Invest Europe, a number that bodes well for lawmakers who have called for an EU capital markets union.

ENERGY & ENVIRONMENTAL

EPA Sends Aircraft Greenhouse Gas Rule To White House

The U.S. Environmental Protection Agency on Friday sent its proposed finding that greenhouse gas emissions from aircraft

Electronic Frontier Foundation
Electronic Privacy Information Center

Ford Motor Company

Google Inc.

Humane Society of the United States

Hyundai Motor

International Council for Commercial Arbitration

Kind LLC

London Court of International Arbitration

Lyft Inc.

NRG Energy Inc.

National Association of Home Builders

National Association of Manufacturers

National Federation of Independent Business

National Right to Work Legal Defense Foundation

New York City Bar Association

New York Times Co.

New York University

Occidental Petroleum Corporation

PBF Energy Inc.

Public Company Accounting Oversight Board

Service Employees International Union

T-Mobile USA Inc.

The Hershey Company

Two Harbors Investment Corp.

U.S. Chamber of Commerce

United Nations Commission on International Trade Law

Verizon Communications

GOVERNMENT AGENCIES

endanger human health and the environment to the White House Office of Management and Budget for review.

Montana Group Asks High Court To Review Crow Water Deal

Montana farmers, ranchers and others are urging the U.S. Supreme Court to reconsider a state court ruling upholding the Crow Nation's \$460 million water-rights settlement with the state and federal government, arguing that the state court set too high a bar for challenging such deals.

High Court Urged To Reel In Calif.'s Shark Fin Ban Case

Two Asian-American groups are further pressing the U.S. Supreme Court to hear their arguments that the Ninth Circuit should have nixed California's ban on shark fin sales because it gets in the way of a federal fisheries law.

Texas Cities Can't Regulate Propane Industry, AG Says

Houston's rules governing liquefied petroleum gas are preempted and superseded by a 2011 law giving the Railroad Commission of Texas regulatory control over the industry, Texas Attorney General Ken Paxton said in an advisory opinion Tuesday.

HEALTH & LIFE SCIENCES

House Passes Five Bills To Curb Opioid Abuse

The U.S. House of Representatives on Tuesday passed a handful of bills intended to help address the growing problem of opioid abuse and drug overdose deaths, including measures aimed at both curbing the trafficking of illegal drugs and the misuse of legal drugs.

TRANSPORTATION & INFRASTRUCTURE

Centers for Disease Control and Prevention

Central Intelligence Agency

Commodity Futures Trading Commission

Consumer Financial Protection Bureau

Crow Nation

Enterprise Rancheria of Maidu Indians

Equal Employment Opportunity Commission

European Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications Commission

Federal Election Commission

Federal Emergency Management Agency

Federal Railroad Administration

Federal Reserve System

Federal Trade Commission

Food and Drug Administration

Government Accountability Office

Immigration and Customs Enforcement

Internal Revenue Service

International Trade Commission

Office of Foreign Assets Control

Office of the Comptroller of the Currency

Pala Band of Mission Indians

Securities and Exchange Commission

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Health and Human Services

Senate OKs Bill To Create Railway Emergency Response Panel

The U.S. Senate voted Monday to pass a bill that would create a temporary Federal Emergency Management Agency subcommittee to develop plans to improve response plans for railroad emergencies, moving the bill to U.S. House of Representatives.

DC Circ. Won't Review FAA Drone Privacy Challenge

The D.C. Circuit on Tuesday said it would not review a privacy watchdog's denied petition to the Federal Aviation Administration asking the agency to address privacy concerns raised by drone use in an upcoming rule-making, finding that the privacy group's request was untimely.

FAA, Treasury Urged To Make Shared- Service Prices Public

The Federal Aviation Administration and the Treasury Department should increase pricing transparency for intra-agency services such as information technology support so that they can meet demand across different areas of the government, the Government Accountability Office said in a report published Tuesday.

EMPLOYMENT

Child Care Workers Want High Court Review Of Union Law

A group of Massachusetts at-home child care workers last week urged the U.S. Supreme Court to weigh in on their challenge to a 2012 state law that gives their collective bargaining rights to the Service Employees International Union, arguing that it violates their right to free association.

Chamber Says Time Is Now For Seattle Uber Union Law Suit

The U.S. Chamber of Commerce on Monday shot back at Seattle's bid to dismiss an antitrust challenge to the city's ordinance allowing Uber and Lyft drivers to organize, telling a

U.S. Department of Homeland
Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Veterans
Affairs

U.S. Department of the Treasury

U.S. Environmental Protection
Agency

U.S. House of Representatives

U.S. Office of Personnel
Management

U.S. Secret Service

U.S. Senate

U.S. Supreme Court

Washington federal judge the suit needn't be delayed since the law is already affecting companies.

COMPETITION

Pa. Engineering Firm Prez Pleads Guilty In Pay-For-Play Probe

The president of an engineering firm has become the latest to plead guilty to participating in municipal pay-to-play schemes that involved a number of public officials for the Pennsylvania cities of Allentown and Reading, the U.S. Department of Justice announced Tuesday.

PRIVACY & CONSUMER PROTECTION

California Advances Gender-Neutral Bathroom Bill

California lawmakers approved a bill on Monday that would require all single-occupancy restrooms in the state to be identified as "all gender" and be universally accessible, amid a fight between the U.S. Justice Department and North Carolina over the latter's controversial transgender bathroom law.

PRODUCT LIABILITY

FDA To Let Kind Use 'Healthy' On Snack Bar Labels

The U.S. Food and Drug Administration on Tuesday said Kind LLC may label its snack bars "healthy," so long as it's clearly part of the company philosophy and not a nutritional statement, and that the agency will be reevaluating how it defines healthy food.

E-Cig Co. Nicopure Sues FDA To Block New Oversight

The U.S. Food and Drug Administration is unlawfully exceeding its authority with a rule that expands the agency's ability to regulate all tobacco products, e-cigarette company

Nicopure Labs LLC claimed on Tuesday, asking a D.C. federal judge to vacate the rule.

CTIA Says Berkeley Cellphone Warning Not Based On Science

CTIA — The Wireless Association has blasted the city of Berkeley, California's defense of a radiation warning requirement for cellphone retailers, telling the Ninth Circuit that the U.S. Federal Communications Commission and scientific community have already rejected the theory that how one holds the device could be dangerous.

TAX

Wyden Demands Nev., Wyo. Docs On Panama Papers Cos.

Sen. Ron Wyden, D-Ore., asked officials in Wyoming and Nevada on Tuesday to answer questions and turn over business registration files, audits and other investigatory documents for more than 1,000 companies created in those states whose names have come up in the Panama Papers leak.

Ex-Rep Says He'll Cop To Tax Charges

Former U.S. Rep. Mel Reynolds told an Illinois federal judge he will plead guilty to charges he evaded taxes on \$400,000 in income, saying he can't prepare to represent himself if he is to be kept in jail until his June trial.

IMMIGRATION

Immigrants Seek Class Cert. For 'Unlawful' ICE Detainers

Immigrants who say they were unlawfully held by Los Angeles County officers based on U.S. Immigration and Customs Enforcement detainers filed motions Monday seeking certification for a class of tens of thousands in their consolidated lawsuits in California federal court.

NATIVE AMERICAN

**Calif. Signs New Gambling Compact
With Pala Band Tribe**

The state of California has inked a new gaming compact with the Pala Band of Mission Indians, superseding a previous agreement between the state and the tribe, Gov. Jerry Brown announced Monday.

TELECOMMUNICATIONS

**FCC Told Zero-Rating Helps Minority,
Low-Income Groups**

The Multicultural Media, Telecom and Internet Council told the Federal Communications Commission in a report Monday that the providing of free data through so-called zero-rating plans does not harm competition and could help close the digital divide, particularly benefiting minorities and low-income households.

INTERNATIONAL ARBITRATION

**Draft Bill Reflects S. Africa's Mixed
Views On Arbitration**

A draft international arbitration bill set to replace South Africa's long-outdated commercial arbitration legislation is an encouraging sign to investors, but it is unlikely to position the country as an international arbitration hub given recent legislation criticized for curbing investor-state arbitration.

PENNSYLVANIA

**Pa. AG Says Lack Of Like Cases
Proves Vindictive Prosecution**

Attorney General Kathleen Kane argued Monday that the lack of similar criminal charges against other individuals proved that she had been vindictively targeted for prosecution over her role in the leak of confidential grand jury material.

Ex-Ballard Spahr Atty, Rendell Aide Cops To Wire Fraud

A former Ballard Spahr LLP partner who also served as chief of staff to Pennsylvania Gov. Ed Rendell pled guilty to one count of wire fraud in Pennsylvania federal court Tuesday after being charged with pocketing funds intended to be passed on to state legislators in a federal investigation.

PEOPLE

Blank Rome Lobbying Arm Adds Former Energy Secretary

Blank Rome Government Relations LLC, the lobbying unit of law firm Blank Rome LLP, on Monday announced that it brought on a former U.S. Secretary of Energy and former chief of staff at the U.S. Department of Energy as principals.

EXPERT ANALYSIS

Patent Reform Beyond The Innovation Act: The TPTP Act

The Trade Protection Not Troll Protection Act is a recent bipartisan effort with provisions expected to curb nonpracticing entity use of the U.S. International Trade Commission. It has gained considerable steam already, presenting Congress the opportunity to substantially amend Section 337 for the first time since 1988, say attorneys with Finnegan Henderson Farabow Garrett & Dunner LLP.

The Potentially Sweeping Effects Of FCC's ISP Regulations

The Federal Communications Commission's proposed rules concerning customer proprietary information acquired by broadband internet access service providers are broad in scope and reflect uncertainty as to how to best protect customer information. The definitions and principles outlined could have a significant ripple effect on the entire digital ecosystem, say

Douglas Jarrett and Tracy Marshall at Keller and Heckman LLP.

Paid Sick Leave Compliance: Untangling The Complicated Web

The momentum for legally mandated paid sick leave has turned compliance into a game of whack-a-mole. Not only must employers be vigilant and identify newly enacted laws that may apply to their business, but they must also navigate the complicated web of requirements to ensure compliance, say Daisy Sanchez and Jennifer Terry at Arent Fox LLP.

9th Circ. Says Fair Housing Act Thwarts Discrimination

For years, neighbors have opposed housing projects that are intended to be occupied by lower-income families. Local governments often bow to the political pressure brought to bear by such opponents. The Ninth Circuit's strong opinion last month in *City of Yuma v. Avenue 6E Investments* should serve to uphold these projects, even in the face of neighbor opposition, says Michael Berger at Manatt Phelps & Phillips LLP.

LEGAL INDUSTRY

5 Things You Should Never Put In A Client Email

Email is a vital tool for lawyers seeking to keep up in a world where information moves at the speed of light, but communicating with clients by email gives rise to potential pitfalls that lawyers a generation ago never faced, experts told Law360. Here are five things that should never appear in an email to a client.

5 Ways To Turbocharge Your Practice Group

Growing a practice group from a minor league player to a major league slugger takes a lot more than just luck and hard work, according to those who have managed to pull it off. Here,

some of those leaders share five tips for taking your practice group to the next level.

Ex-Bryan Cave Atty Gets Time Served For Murder Threat

A former Bryan Cave attorney who admitted that he threatened to kill a former co-worker at the firm during a 2013 phone call was sentenced Tuesday to time served and three years of supervised release, Missouri court records show.

Lateral Opportunities Dry Up For Employment Lawyers

Fewer employment attorneys have changed firms in the first quarter of 2016 than in any other quarter over the past 15 months, as the demand for lawyers specializing in the practice area has slowed amid a strong economy, according to Law360 data and experts.

4 Tips For Law Firms To Maximize Cyber Coverage

Edelson PC's recent putative privacy class action alleging a Chicago-based regional law firm failed to take measures to effectively safeguard sensitive client data highlights the need for firms to obtain expansive cyber liability coverage. Here, experts delve into what firms should do to make sure they're protected from cyber risks.

Chinese Legal Giant Adds 23 Ex-Dentons Lawyers In US

Zhong Lun has picked up 23 new lawyers in the U.S. from Dentons affiliates, a move the Chinese legal giant said Monday gives it the most extensive presence in the U.S. of any Chinese law firm and adds two West Coast offices.

White & Case Becomes Latest Firm To Allow Working Remotely

Associates and other employees of White & Case LLP in London walked into a more flexible workplace this week, as the firm has

implemented a new "agile" U.K. office policy that allows working remotely, making it the third firm in recent weeks to do so.

UK Magic Circle Firms Caught In Panama Papers Data Dump

Two Magic Circle firms and at least 17 other major U.K.-based solicitors have been linked to thousands of the offshore investment companies listed in the so-called Panama Papers, which exposed a vast network that has global regulators looking to strengthen tax avoidance regimes.

NY High Court Rejects Judges' Latest Bid For Back Pay

New York's highest court on Tuesday denied state judges their bid to obtain back pay for 10 years spent without cost-of-living increases, ruling the jurists weren't constitutionally entitled to the retroactive raises.

JOBS

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From: Public Policy Law360
Sent: Monday, June 13, 2016 4:06 AM
To: Rep48
Subject: Fed, FDIC Give Small Foreign Banks Living Will Leeway



PUBLIC POLICY

Law360 In-Depth. For Experts Who Need To Dig Deeper.

Get the in-depth reporting and analysis you need to stay on top.

Monday, June 13, 2016



TOP NEWS

Fed, FDIC Give Small Foreign Banks Living Will Leeway

The Federal Reserve and the Federal Deposit Insurance Corp. said Friday that foreign banks with limited activities in the U.S. would be able to file shorter versions of their living wills for the next three years.

Looming Brexit Vote Casts Uncertainty Over London IPOs

After a hot start to the year, initial public offerings in London have cooled amid uncertainty surrounding the coming "Brexit" referendum. While deals are gaining steam elsewhere in Europe, U.K. capital markets lawyers are crossing their fingers that activity will restart in London following the vote.

Patent Trolls May Want To Think Twice About Rhode Island

So-called patent trolls may soon find Rhode Island an inhospitable place to hatch their infringement claims, after the state's General Assembly passed legislation Thursday to ban

LAW FIRMS

Akin Gump
Alexander Dubose
Allen & Overy
Astigarraga Davis
Baker & McKenzie
Baker Botts
BakerHostetler
Ballard Spahr
Beeson Tayer
Boies Schiller
Bracewell LLP
Bradley Arant
Brown Rudnick
Cadwalader Wickersham
Cahill Gordon
Cleary Gottlieb
Clifford Chance
Cooley
Covington & Burling
Cravath Swaine
DLA Piper

the zealous patent rights enforcers and put them at the business end of antitrust actions.

NLRB Election Rule Survives 5th Circ. Challenge

The Fifth Circuit on Friday upheld the National Labor Relations Board's rule streamlining the union election process, saying that the rule comports with federal labor law and that the board was within its bounds to create it.

Senate Moves On \$602B Defense Bill Amid Flak From Dems

The U.S. Senate voted Friday to move forward with its \$602 billion National Defense Authorization Act over the vocal objections of a number of Democrats, setting up a final vote on the bill for next week.

Pa. State Sen. Pleads Not Guilty To Buying Votes

A Pennsylvania state senator and a member of the Democratic Committee for Philadelphia's Eighth Ward pled not guilty in federal court Friday to an indictment that accuses the lawmaker of buying support in a 2011 election to become the party's ward leader, according to their attorneys.

ANALYSIS

3 Water Rights Clashes Raining Down On Texas

A rain-filled year has washed away the drought that plagued Texas through much of this decade, but water law issues continue to bubble, with a court ruling that treats groundwater as a hot commodity, innovative industrial water reuse efforts ? Band needed infrastructure projects poised to make waves for property owners. Here, Law360 takes a look at three hot-button water issues facing the Lone Star State.

11th Circ. Could Expose Doctors To Greater Speech Limits

Davis Polk
Day Pitney
Debevoise & Plimpton
Dechert
Desmarais LLP
Fenwick & West
Freshfields
Fried Frank
Greenberg Gross
Gunderson Dettmer
Hadsell Stormer
Harman Claytor
Holland & Knight
Holwell Shuster
Hueston Hennigan
Irell & Manella
Jackson Walker
Kanner & Whiteley
Keker & Van Nest
Kemp Smith
Kirkland & Ellis
Latham & Watkins
Levine Sullivan
Lewis Roca
Linklaters
Littler Mendelson
McKool Smith
Milbank Tweed
Montgomery McCracken
Motley Rice
Munger Tolles
Nixon Peabody
O'Melveny & Myers
Ogletree Deakins
Osha Liang
Paul Weiss
Proskauer Rose
Quinn Emanuel

Doctors fighting a Florida law that restricts their ability to ask questions about patients' gun ownership will make their final pitch to the Eleventh Circuit later this month in a case that some fear could provide an open door for politicians to tread on the speech rights of physicians and potentially other regulated professionals, such as attorneys.

BANKING & SECURITIES

EU Adopts Derivatives Rules For Non-Eurozone Currencies

The European Commission said Friday it has adopted new rules that require certain over-the-counter credit derivative contracts denominated in three non-eurozone currencies to be cleared through central counterparties, part of a wider effort to boost market transparency following the financial crisis.

CFTC Floats Position-Limit Changes for Derivatives Policy

The Commodity Futures Trading Commission is proposing a supplemental rule on position limits for derivatives that revises regulations proposed in 2013 to help ensure that commercial end-users can continue to engage in "bona fide" hedging efficiently for risk management and price discovery.

Industry Warns CFTC Against Broad Algorithmic Trading Rules

Market participants told the Commodity Futures Trading Commission at a Friday roundtable that proposed rules to regulate automated and algorithmic trading are too broad, while the agency appeared to have considered claims the regulations could compromise firms' valuable source code.

ENERGY & ENVIRONMENTAL

House Slams \$10-Per-Barrel Oil Fee, Carbon Tax Ideas

Ropes & Gray
Shearman & Sterling
Shook Hardy
Sidley Austin
Simmons & Simmons
Simpson Thacher
Skadden
Sprouse Shrader
Steinman & Rodgers
Sullivan & Cromwell
Susman Godfrey
Vinson & Elkins
Weil Gotshal
Williams & Connolly
Willkie Farr
Winston & Strawn
Zarwin Baum

COMPANIES

ABN AMRO Bank NV
ABN AMRO Clearing Chicago
AQR Capital Management LLC
Akamai Technologies, Inc.
American Airlines Group Inc.
American Bar Association
American Civil Liberties Union
American Medical Association Inc.
Bank of America Corporation
Barclays PLC
CVC Capital Partners
Citigroup Inc.
Council on Foreign Relations
Credit Suisse Group AG
Deutsche Bank AG
Deutsche Boerse
DraftKings Inc.
Exxon Mobil Corporation
FanDuel Inc.
Frontier Airlines Inc.

The U.S. House of Representatives voted Friday to spell out its opposition to two ideas that have been floated to improve the environment: a national carbon tax and the Obama administration's proposal for a \$10-per-barrel fee on crude oil.

House Dems Praise Calif. AG's Exxon Climate Change Probe

A group of California congressional Democrats on Thursday urged the state's attorney general to continue an investigation into whether fossil fuel companies like Exxon Mobil Corp. misled investors and the public on the impact of climate change, in spite of resistance from House Republicans.

HEALTH & LIFE SCIENCES

Doctors Challenge California's New 'Right To Die' Law

Several doctors and a medical ethics association have filed a lawsuit in state court to strike a California law that took effect on Thursday that allows terminally ill adults to receive prescription drugs to end their lives, arguing that it raises constitutional concerns over the medical standard of care.

MEDIA & ENTERTAINMENT

Colo. Governor Signs Bill Legalizing Fantasy Sports

Colorado Gov. John Hickenlooper on Friday signed a bill to legalize and regulate fantasy sports, making Colorado the fifth state to adopt such a bill into law.

TRANSPORTATION & INFRASTRUCTURE

DOT Gives 6 Airlines Cuba-US Flight Approval

The U.S. Department of Transportation will allow six domestic airlines to establish flights

Gilead Sciences Inc.
HSBC Holdings PLC
ING Groep N.V.
International Brotherhood of Teamsters
JetBlue Airways Corporation
Lehman Brothers Holdings Inc.
Lockheed Martin
London Stock Exchange Group PLC
Los Angeles Times
Merck & Co Inc.
Microsoft Corporation
Morgan Stanley
NASDAQ OMX Group Inc.
NJ Transit Corp.
National Association of Home Builders
National Association of Manufacturers
National Federation of Independent Business
National Rifle Association of America
New York State Bar Association
Nortek Inc.
PricewaterhouseCoopers
Rabobank Nederland
Silver Airways Corp.
Southwest Airlines Co.
The Hershey Company
U.S. Chamber of Commerce
UBS AG
Volkswagen
Waste Management, Inc.
Wells Fargo & Co.
Ziff Davis Holdings Inc.

GOVERNMENT AGENCIES

between the United States and Cuba in the fall as part of President Barack Obama's ongoing attempts to normalize relations with the Caribbean country, the DOT announced on Friday.

Calif. Court Nixes CARB Loosening Of Diesel Emissions Rule

The California Air Resources Board on Tuesday lost its grip on a number of exceptions to a rule forcing diesel trucks and buses to cut emissions that allowed smaller fleets more time and flexibility with the requirements, when a state court found the delay is unfair to other compliant trucks.

NJ Lawmakers Unveil \$20B Plan To Boost Transportation Aid

New Jersey lawmakers on Friday unveiled two different versions of a 10-year, \$20 billion plan to replenish the state's dwindling Transportation Trust Fund through fuel tax hikes, offset by tax breaks for low income workers, retirees and estate heirs.

FAA Pushes For Mental Health Reporting Rather Than Testing

The U.S. Department of Transportation's Federal Aviation Administration announced Thursday it would encourage commercial airline pilots to report mental health issues instead of requiring them to undergo routine psychological testing.

INSURANCE

Dutch State Sells Stake In Insurer ASR Through \$1.1B IPO

State-owned Dutch insurer ASR Nederland NV raised €1 billion (\$1.1 billion) in an initial public offering on Friday as the government begins unloading shares in the company whose parent it rescued during the financial crisis, marking the latest IPO in Netherlands' busy capital markets.

California Environmental Protection Agency
Centers for Medicare & Medicaid Services
Commodity Futures Trading Commission
Equal Employment Opportunity Commission
European Commission
Executive Office of the President
Federal Aviation Administration
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Highway Administration
Federal Reserve System
Government Accountability Office
Indian Health Service
Internal Revenue Service
NATO
National Labor Relations Board
National Park Service
North Carolina Department of Transportation
Securities Investor Protection Corp.
Securities and Exchange Commission
Selective Service System
Texas Commission on Environmental Quality
U.S. Department of Defense
U.S. Department of Education
U.S. Department of Health and Human Services
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. House of Representatives
U.S. Navy

REAL ESTATE

NC Justices Say State Must Pay In Road Project Takings Fight

North Carolina's high court ruled Friday the state must pay Winston-Salem landowners who for decades were barred from developing their properties under a state law carving out potential future highway projects, saying the restrictions represented an unconstitutional taking of residents' property without just compensation.

EMPLOYMENT

DOL Says States Haven't Justified Blocking Persuader Rule

The U.S. Department of Labor urged a Texas federal judge Thursday to reject an attempt by various states to block its so-called persuader rule, arguing the group hasn't satisfied the requirements that would warrant that sort of emergency relief.

NLRB Flips Rule On Mixed-Guard Unit Recognition

The National Labor Relations Board reversed Thursday its long-standing precedent of letting employers unilaterally withdraw recognition of bargaining units that include security guards after the collective bargaining agreement expires, now requiring employers to honor their voluntary recognition so long as the union retains employees' majority support.

PRIVACY & CONSUMER PROTECTION

4th. Circ Won't Stay Trans Bathroom Ruling During Appeal

The Fourth Circuit on Thursday said it wouldn't stay its ruling that, under Title IX of the education code, schools must let transgender students use the bathroom that fits their gender identity, while a Virginia school board appeals the decision to the U.S. Supreme Court.

U.S. Office of Personnel
Management

U.S. Senate

U.S. Supreme Court

Ohio School Board Sues Over Trans Bathroom Directive

An Ohio school board on Friday sued the U.S. Department of Justice and U.S. Department of Education for requiring public schools to let transgender students use the bathrooms, lockers and other facilities that match the students' gender identity or to otherwise risk losing federal funding.

GOVERNMENT CONTRACTS

GAO Wants Navy Funding Blocked To Force Frigate Plan Fix

The U.S. Navy needs to address "fundamental weaknesses" in its multibillion-dollar littoral combat ship and related frigate procurement programs, the U.S. Government Accountability Office said on Thursday, suggesting that Congress deny funding for the programs while the Navy revises its strategy.

Pa. AG Won't Appeal Time-Barred Charges Against Mayor

The Pennsylvania attorney general's office announced Friday it will not appeal an order dismissing more than 300 expired criminal charges against former Harrisburg Mayor Stephen R. Reed for allegedly diverting funds away from a municipal incinerator project to purchase artifacts and other memorabilia, noting that 144 charges remain.

INTERNATIONAL TRADE

EU Deepens Trade Engagement With Southern African Nations

The European Union signed an economic partnership agreement Friday with a group of six countries in southern Africa that is aimed at spurring development in the region and promoting trade.

India Nearing Compliance In WTO Poultry Dispute

The Indian government has informed the World Trade Organization that it has circulated draft revisions to its food safety rules in order to comply with an adverse decision that said the measures were unfairly restricting imports of U.S. poultry products, according to WTO documents circulated Friday.

GOP Rep. Predicts TPP Vote Will Slip To Next Administration

Former Ways and Means Subcommittee on Trade Chairman Devin Nunes, R-Calif., on Thursday predicted that a congressional vote to ratify the Trans-Pacific Partnership will not be held until after President Barack Obama leaves office, citing lawmakers' widespread skepticism about the deal.

TAX

CORRECTED: Cayman Islands Delays FATCA Reporting Date

Cayman Islands banks got two more months to notify and report to the U.S., by way of the island government, American taxpayers' accounts at the institutions, with enforcement of the requirements set to begin in August, according to an advisory released Thursday. (Correction: An earlier version of the story erroneously relied upon outdated IRS guidance stating U.S. implementation of the Foreign Account Tax Compliance Act had been delayed. The error has been corrected.)

IMMIGRATION

9th Circ. Won't Reconsider Revived Ariz. Worker ID Theft Law

The Ninth Circuit on Thursday shot down a bid from activists representing immigrants who entered the country without authorization to reconsider its ruling last month to restore two Arizona state laws that prohibit using a false identity to obtain work, rejecting claims the laws

interfere with the federal government's exclusive control over immigration policy.

NATIVE AMERICAN

SD Rep. Wants Drug Tests For Indian Health Service Workers

U.S. Rep. Kristi Noem, R-S.D., introduced legislation Thursday that calls for mandatory random drug testing of certain Indian Health Service employees, right on the heels of another bill she has put forward aimed at improving the federal agency.

TELECOMMUNICATIONS

Bill Has Less Money, More Net Neutrality Hurdles For FCC

The House Appropriations Committee cleared a funding bill Thursday that would give less money to the Federal Communications Commission, temporarily block implementation of its net neutrality order, prohibit broadband internet rate regulation and put off the agency's set-top box proposal.

PEOPLE

Obama Nominates Baker Botts Partner To SIPC Board

A Baker Botts partner versed in capital markets matters has been nominated to serve on the board of the Securities Investor Protection Corp., the nonprofit corporation said Friday.

Ex-U.S. Rep. To Lead BakerHostetler's Federal Policy Team

BakerHostetler has added former U.S. Rep. Michael Ferguson and two employees of his consultant group to its Washington, D.C., office, where they'll work as advisers in the firm's federal policy group under Ferguson's leadership, the firm has announced.

EXPERT ANALYSIS

In Congress: FOIA, Fiscal Year 2017, Preventing IRS Abuse

Consideration of fiscal year 2017 appropriations measures remains at the top of the agenda in both chambers this week. All eyes will be on the House floor, as debate over the U.S.

Department of Defense spending bill could make or break the entire appropriations process moving forward, say Richard Hertling and Kaitlyn McClure of Covington & Burling LLP.

In Defense Of The Bid Protest Process

The House and Senate proposals for bid protest reform are based on misperceptions and overblown concerns about the prevalence of "frivolous" protests and prolonged procurement delays. Moreover, the proposals strongly suggest that the essential benefits of the bid protest process still are not fully appreciated, says Aron Beezley of Bradley Arant Boult Cummings LLP.

Philanthropic Capital In Search Of Clarity

The slow rate of change at the IRS hampers the deployment of philanthropic capital. Recently effective regulations illustrating investments that qualify as program-related investments, for example, have an overweighted emphasis on international philanthropy — a trend from over a decade ago, says Michael Cooney of Nixon Peabody LLP.

LEGAL INDUSTRY

Attys Don't Have Trump's Leeway On Judicial Criticism: Prof

Donald Trump may be able to get away with criticizing a federal judge, but whether a lawyer can do so depends on a few factors, including the tone and context of the criticism, according to a Stetson University law professor.

Int'l Law Firm CMS' Revenue Breaks Through €1B Barrier

Frankfurt-based international legal giant CMS Legal Services saw its revenues increase by 8.4 percent last year, breaking through the €1 billion barrier, the firm said Friday.

4 Mistakes That Drive Trial Judges Crazy

Trying a case is tough. Trying a case before a judge who hates you is tougher. While every judge might have his or her own quirks and preferences, there are a few basic rules to generally follow for those eager to avoid a jurist's ire. Here, top trial attorneys offer suggestions for remaining in a judge's good graces.

At Least 35 Law Firms Hiked Associate Pay This Week

As the week comes to a close, at least 35 law firms have joined Cravath Swaine & Moore LLP in its move to raise associate pay, announcing their plans to increase attorneys' starting salaries to at least \$180,000 a year as of July 1.

GC Cheat Sheet: The Hottest Corporate News Of The Week

The SEC makes its biggest move yet on corporate cybersecurity, Barclays plans to ask more underperforming firms for rebates and a former in-house attorney's legacy of lies thwarts Merck's \$200 million jury win. Those stories top the corporate legal news you may have missed last week.

5 Tips For Aspiring Product Liability Attorneys

The broad scope of product liability law cases, from automotive cases like the escalating Volkswagen litigation to food labeling issues over genetically modified organisms, provides young attorneys the opportunity to delve into an array of topics and get fast trial experience. Here, seasoned attorneys offer their tips on how to jump-start a career in product liability.

A Wrestler, A Billionaire And Revenge Level New Media Titan

Friday's announcement that vaunted new media empire Gawker is declaring bankruptcy may have been fated for nearly a decade, ever since one of the company's now-defunct blogs, Valleywag, posted a 400-word article titled: "Peter Thiel is totally gay, people."

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week.

JOBS

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From: gongwerreports@gongwer-oh.com on behalf of Gongwer News Service [gongwerreports@gongwer-oh.com]
Sent: Thursday, June 30, 2016 4:13 PM
To: House_misc_html@gongwer-oh.com
Subject: House & Senate Floor Reports



Senate Activity for Thursday, June 30, 2016

INTRODUCED

SB 339 ■ **MONTH DESIGNATION** (Tavares, C.) To designate the month of June as "Pride Month." En. 5.2299

House Activity for Thursday, June 30, 2016

INTRODUCED

HB 583 ■ **COLLECTIVE BARGAINING** (Becker, J.) To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation. Am. 9.81, 124.14, 124.15, 3345.31, 4117.03, 4117.04, 4117.05, 4117.09, 4117.10, 4117.11, 4121.03, 4121.121, 4121.69, and 5501.20

RESIGNATION ACCEPTED

Rep. Tim Brown, Republican, 3rd District, effective July 17.

Click the ■ after a bill number to track that bill and create email alerts on activity.

Please send all correspondence to gongwer@gongwer-oh.com This mailbox is not regularly monitored.

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From: Tim Miller
Sent: Wednesday, July 13, 2016 7:29 PM
To: Rep48
Subject: HB 583 Is Wrong For Working People

Kirk Schuring,

As your constituent, I write to you today to ask that you not support House Bill 583, Representative Beckers ill-advised Right to Work is Wrong bill. When Ohio voters overwhelmingly rejected Issue 2/SB 5 in 2011, they sent a clear message that they will not tolerate any attack on Ohio's middle class. They rejected the idea that our economic problems are the result of the workers' rights to collectively bargain and they rejected that extreme political agenda and opted instead to support governance with basic fairness.

Now, despite the voters' wholesale rejection of attacks on collective bargaining rights, and even Governor Kasich's admission that this type of law is not needed in Ohio to grow the economy, Representative Becker introduced a bill that will again try to divide workers in Ohio.

"Right to Work" is wrong laws are deceptively named. This effort, and all "right to work" is wrong laws, are not about rebuilding our state. It's not about work and it's not about rights. This is about politics, plain and simple. I am confident that when Ohioans find out that this is just a rehash of SB5 they will shut it down, just like they did in 2011.

The preponderance of evidence gathered from extensive independent research shows that so called "right to work" is wrong policies are in fact damaging to local economies as they lower wages and often create an environment that is conducive to job flight instead of fulfilling the promises of their proponents. An

examination of states that have passed these laws points this out very clearly. According to the Bureau of Labor Statistics, the average worker in a right to work state makes about \$535 less per month in wages. "Right to work" is wrong laws have also been shown to lower the likelihood that employees get healthcare or pensions through their jobs, and increases workplace fatality rates by 36%—again, for both union and nonunion employees-- and the laws have no impact whatsoever on job growth.

Unfortunately, this anti-worker law represents the same old politics of division that will further erode our middle class and accelerate the ~~to~~ "Race to the bottom" where all workers lose. If proponents continue to pursue these misguided measures, Ohio voters will see the effort for what it is-- a purely political attack that is dividing Ohioans and preventing any real progress on continued economic recovery. Again, these anti-worker policies lower wages, slash benefits, make workers less safe on the job and devastate communities. It doesn't just hurt union workers- it hurts ALL workers.

The General Assembly's focus needs to be on real solutions to create good family-sustaining jobs and restore balance to our economy and not on these political games. Indeed, that is exactly what Ohioans voted for in 2011 in striking down the last attempt at such a misguided policy. It would be wise for you to remember that failed attempt to limit collective bargaining rights and know that this will end in the same way. As your constituent, I ask that you please not support House Bill 583. I look forward to your response.

Tim Miller
timmiller203@gmail.com
2662 Wingate Way NW
Canton, Ohio 44708

From: Frank Garcia
Sent: Tuesday, July 26, 2016 9:59 AM
To: Rep48
Subject: HB 583 Is Wrong For Working People

Follow Up Flag: Follow up
Flag Status: Completed

Kirk Schuring,

As your constituent, I write to you today to ask that you not support House Bill 583, Representative Beckers ill-advised Right to Work is Wrong bill. When Ohio voters overwhelmingly rejected Issue 2/SB 5 in 2011, they sent a clear message that they will not tolerate any attack on Ohio's middle class. They rejected the idea that our economic problems are the result of the workers' rights to collectively bargain and they rejected that extreme political agenda and opted instead to support governance with basic fairness.

Now, despite the voters' wholesale rejection of attacks on collective bargaining rights, and even Governor Kasich's admission that this type of law is not needed in Ohio to grow the economy, Representative Becker introduced a bill that will again try to divide workers in Ohio.

"Right to Work" is wrong laws are deceptively named. This effort, and all "right to work" is wrong laws, are not about rebuilding our state. It's not about work and it's not about rights. This is about politics, plain and simple. I am confident that when Ohioans find out that this is just a rehash of SB5 they will shut it down, just like they did in 2011.

The preponderance of evidence gathered from extensive independent research shows that so called "right to work" is wrong policies are in fact damaging to local

economies as they lower wages and often create an environment that is conducive to job flight instead of fulfilling the promises of their proponents. An examination of states that have passed these laws points this out very clearly. According to the Bureau of Labor Statistics, the average worker in a right to work state makes about \$535 less per month in wages. "Right to work" laws have also been shown to lower the likelihood that employees get healthcare or pensions through their jobs, and increases workplace fatality rates by 36%—again, for both union and nonunion employees-- and the laws have no impact whatsoever on job growth.

Unfortunately, this anti-worker law represents the same old politics of division that will further erode our middle class and accelerate the ~~to~~ "race to the bottom" where all workers lose. If proponents continue to pursue these misguided measures, Ohio voters will see the effort for what it is-- a purely political attack that is dividing Ohioans and preventing any real progress on continued economic recovery. Again, these anti-worker policies lower wages, slash benefits, make workers less safe on the job and devastate communities. It doesn't just hurt union workers- it hurts ALL workers.

The General Assembly's focus needs to be on real solutions to create good family-sustaining jobs and restore balance to our economy and not on these political games. Indeed, that is exactly what Ohioans voted for in 2011 in striking down the last attempt at such a misguided policy. It would be wise for you to remember that failed attempt to limit collective bargaining rights and know that this will end in the same way. As your constituent, I ask that you please not support House Bill 583. I look forward to your response.

Frank Garcia
fachi@sssnet.com

429 Tanya Ave.
Massillon, Ohio 44646

From: Rep48
Sent: Wednesday, July 27, 2016 2:07 PM
To: 'fachi@sssnet.com'
Subject: RE: HB 583 Is Wrong For Working People

Dear Frank,

Thank you for contacting our office. Representative Schuring greatly values the thoughts and concerns of his constituents as we are always looking for ways to improve Stark County and the state of Ohio.

I will be sure to pass along your message and views to Representative Schuring regarding House Bill 583. This is undoubtedly an important issue to many people throughout the state.

Again, thank you for contacting us and please do not hesitate to contact our office regarding any other state issues.

Best,

Abby

Abby Schafer
Legislative Fellow
Office of Representative Kirk Schuring
Ohio House of Representatives, District 48
77 South High Street
Columbus, OH 43215
614-752-2438

From: Frank Garcia [mailto:fachi@sssnet.com]
Sent: Tuesday, July 26, 2016 9:59 AM
To: Rep48
Subject: HB 583 Is Wrong For Working People

Kirk Schuring,

As your constituent, I write to you today to ask that you not support House Bill 583, Representative Beckers ill-advised Right to Work is Wrong bill. When Ohio voters overwhelmingly rejected Issue 2/SB 5 in 2011, they sent a clear message that they will not tolerate any attack on Ohio's middle class. They rejected the idea that our economic problems are the result of the workers' rights to collectively bargain and they rejected that extreme political agenda and opted instead to support governance with basic fairness.

Now, despite the voters' wholesale rejection of attacks on collective bargaining rights, and even Governor Kasich's admission that this type of law is not needed in Ohio to grow the economy, Representative Becker introduced a bill that will again try to divide workers in Ohio.

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The preponderance of evidence gathered from extensive independent research shows that so called "right to work" is wrong policies are in fact damaging to local economies as they lower wages and often create an environment that is conducive to job flight instead of fulfilling the promises of their proponents. An examination of states that have passed these laws points this out very clearly. According to the Bureau of Labor Statistics, the average worker in a right to work state makes about \$535 less per month in wages. "Right to work" is wrong laws have also been shown to lower the likelihood that employees get healthcare or pensions through their jobs, and increases workplace fatality rates by 36%—

again, for both union and nonunion employees-- and the laws have no impact whatsoever on job growth.

Unfortunately, this anti-worker law represents the same old politics of division that will further erode our middle class and accelerate the "race to the bottom" where all workers lose. If proponents continue to pursue these misguided measures, Ohio voters will see the effort for what it is-- a purely political attack that is dividing Ohioans and preventing any real progress on continued economic recovery. Again, these anti-worker policies lower wages, slash benefits, make workers less safe on the job and devastate communities. It doesn't just hurt union workers- it hurts ALL workers.

The General Assembly's focus needs to be on real solutions to create good family-sustaining jobs and restore balance to our economy and not on these political games. Indeed, that is exactly what Ohioans voted for in 2011 in striking down the last attempt at such a misguided policy. It would be wise for you to remember that failed attempt to limit collective bargaining rights and know that this will end in the same way. As your constituent, I ask that you please not support House Bill 583. I look forward to your response.

Frank Garcia
fachi@sssnet.com
429 Tanya Ave.
Massillon, Ohio 44646

From: gongwerreports@gongwer-oh.com on behalf of Gongwer News Service [gongwerreports@gongwer-oh.com]
Sent: Thursday, August 25, 2016 1:15 PM
To: House_updates@gongwer-oh.com
Subject: NEWS UPDATE--Troopers Reach Contract Agreement With State



Thursday, August 25, 2016, 01:15 PM

Troopers Reach Contract Agreement With State

The state and Ohio State Troopers Association on Thursday announced details of a tentative three-year contract agreement supported by more than 90% of the union members who voted in recent days.

The 1,760-member union negotiated a 12.5% raise over three years in annual increments of 5%, 5% and 2.5%, OSTA President Jeremy Mendenhall said. Since the negotiations were delayed, the first year increase will be retroactive to the expiration date of the last contract, which was July 1, 2015.

The pact includes a one-time ratification payment of \$750 for members, according to the union and Department of Administrative Services.

OSTA received a higher increase than other union employees, which received 7.5% over three years "in exchange for concessions to the Health and Physical Fitness Program, management discretion in selection, and flexibility in the area of personal leave," the two sides reported in a joint news release.

The groups said language in the contract that enhances management rights and employee accountability, streamlines the disciplinary process and lengthens the retention period for discipline, is "consistent with the changes in the other collective bargaining agreements," according to the release.

Pending Controlling Board ratification, the contract will be effective on Sept. 29.

More details in today's Gongwer News Service *Ohio Report*.

Please send all correspondence to gongwer@gongwer-oh.com This mailbox is not regularly monitored.

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From: Public Policy Law360
Sent: Friday, September 9, 2016 4:23 AM
To: Rep48
Subject: NY Judicial Nominee Advances To Full Senate

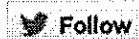


PUBLIC POLICY

Get the attention of the legal community.

Reach top legal talent across the globe with Law360 newsletters.

Friday, September 9, 2016



TOP NEWS

NY Judicial Nominee Advances To Full Senate

A Senate panel voted through a Gibson McAskill & Crosby LLP partner's nomination to a vacancy on New York's federal bench Thursday, after a six-month wait in the Senate Judiciary Committee.

House OKs Bills Trimming SEC Rules On Small Businesses

The U.S. House of Representatives voted through a series of changes to securities and disclosure laws Thursday in the face of Democratic and White House criticism that the changes meant to ease small businesses' access to capital would destabilize markets and make it easier to swindle investors.

Feds Drop Case Against Ex-Va. Gov. McDonnell And His Wife

U.S. Attorney Dana J. Boente said in Thursday court filings that he will drop his high-profile corruption case against former Virginia Gov.

LAW FIRMS

Adams Stepner
Ashcraft & Gerel
Axinn Veltrop
Baker Botts
Bancroft PLLC
Beasley Allen
Brune Law PC
Caplin & Drysdale
Carlton Fields
Carmody & Torrance
Carter Ledyard
Chadbourne & Parke
Coughlin Duffy
Covington & Burling
DeCotiis FitzPatrick
DiFrancesco Bateman
Drinker Biddle
Edelman Combs
Fish & Richardson
Foley & Lardner

Bob McDonnell and his wife, Maureen, telling the Fourth Circuit that the government wants a dismissal without leave to refile.

Fed Pushes For Tighter Limits On Banks' Commodity Biz

The Federal Reserve on Thursday urged Congress to repeal banks' authority to invest in nonfinancial companies and a grandfathering exemption allowing Goldman Sachs Group Inc. and Morgan Stanley to engage in physical commodity activities, further signaling regulators' unease with bank involvement in energy and other commodity sectors.

High Court Asked For Clarity On EPA Water Rule Jurisdiction

The National Association of Manufacturers has asked the U.S. Supreme Court to review the Sixth Circuit's split ruling that it has jurisdiction to hear challenges to the U.S. Environmental Protection Agency's and Army Corps of Engineers' controversial Clean Water Rule.

NY Enacts Rules Limiting Fees, Fines On Payroll Cards

New York state rolled out new regulations for payroll cards used by hundreds of thousands of workers on Thursday, with Gov. Andrew Cuomo pledging to prevent workers from having their wages cut into with fees and fines.

6th Circ. Pushed To Clarify Ky. Judges' Political Talk Ruling

Kentucky's Judicial Conduct Commission on Wednesday urged the Sixth Circuit to clarify its recent ruling that the state's limitations on judges' political speech are too broad, saying it's now unclear whether campaigning judges are still barred from claiming to be the endorsed candidate of a political party.

ANALYSIS

Absence Of Final MLP Status Rules Sowing Uncertainty

Frank LLP
Freund Freeze
Gibson Dunn
Gibson McAskill
GluckWalrath
Golomb & Honik
Gordon & Rees
Greenberg Traurig
Gupta Wessler
Hausfeld
Hinshaw & Culbertson
Holland & Knight
Johnson Barnhouse
Jones Day
Kilpatrick Townsend
Kirkland & Ellis
Koppel Patrick
Lackebach Siegel
Latham & Watkins
Littler Mendelson
Mayer Brown
McCusker Anselmi
Morgan Lewis
Motley Rice
Much Shelist
Paul Hastings
Porter & Malouf
Prickett Jones
Quinn Emanuel
Schmeiser Olsen
Shook Hardy
Sidley Austin
Skadden
Stites & Harbison
Venable LLP
Wachtell Lipton

COMPANIES

AT&T Inc.

Final regulations on how service providers in the oil and gas industry can qualify for preferential tax treatment as master limited partnerships have been anticipated for some time, but experts say their failure to materialize is leaving taxpayers who may be impacted by changes in a state of uncertainty.

Euro Drug Pricing's Tradeoffs May Limit Appeal In US

As U.S. lawmakers call for pharmaceutical companies to rein in drug prices in the wake of Mylan's EpiPen price increase, experts say consumers will need to weigh whether Europe and Canada's regulated, but cheaper, prices are worth the underdiscussed tradeoffs, including reduced access to some medication and stifled industry innovation.

BANKING & SECURITIES

Divided CFTC Recognizes Japanese Swap Margin Rules

The U.S. Commodity Futures Trading Commission on Thursday voted to recognize Japanese rules on swap margin requirements as compatible with the American rules that went into effect last week, despite a stern dissent from one commissioner and another's concerns over the implementation of the regime in general.

Hong Kong Exchange Signs Memorandum With Shandong

China continued its push to internationalize its capital markets on Thursday with the signing of a memorandum of understanding, aimed at supporting and promoting future capital markets and commodities market developments, between the People's Government of Shandong Province and the Hong Kong Stock Exchange.

SEC Judge Rebukes Tilton's 'Fishing Expedition'

A U.S. Securities and Exchange Commission judge on Thursday said the agency doesn't

Allergan PLC
America's Health Insurance Plans
American Bar Association
American Council of Life Insurers
American Insurance Association
American Intellectual Property Law Association
Anthem Inc.
Biogen Inc.
Bloomberg
CTIA
Center for Biological Diversity Inc.
Comcast Corporation
Electronic Frontier Foundation
Fitbit Inc.
Foxwoods Resort Casino
Goldman Sachs Group Inc.
Hewlett Packard Enterprise Co.
Hong Kong Exchanges and Clearing
Johnson & Johnson
MGM Resorts International
McDonald's Corporation
Micro Focus International PLC
Microsoft Corporation
Mohegan Sun
Morgan Stanley
Mylan NV
National Association of Insurance Commissioners
National Association of Manufacturers
National Education Association
National Federation of Independent Business
New York Times Co.
Pacific Legal Foundation
Pfizer Inc.
RPX Corp.

have to turn over notes and audio related to witness interviews in its \$200 million fraud case against private equity magnate Lynn Tilton, saying Tilton seems to be on a fishing expedition.

ENERGY & ENVIRONMENTAL

Calif. Gov. Signs Emissions Target, Climate Oversight Package

California Gov. Jerry Brown signed sweeping climate change legislation Thursday that gives the legislature more oversight over the powerful Air Resources Board and codifies into law the governor's emissions reduction goals set out in a 2015 executive order.

Enviros Sue EPA Over Ocean Acidification Standards

Environmentalists on Thursday sued the U.S. Environmental Protection Agency for allegedly failing to set new water quality standards aimed at reducing ocean acidification.

Senate GOP Says EPA Lacks Frankness About Lawsuits

A group of Senate Republicans on Wednesday slammed the U.S. Environmental Protection Agency for being insufficiently transparent about litigation the agency is involved in and about its planned regulatory action for the near future.

VA Proposes Rule To Expand Benefits For Base Contamination

The U.S. Department of Veterans Affairs on Thursday floated a proposed rule that would expand disability benefits eligibility to cover more service members affected by more illnesses from decades of contaminated water at the Camp Lejeune U.S. Marine Corps Base.

IP & TECHNOLOGY

USPTO Seeks Feedback On 'Missing Parts' Patent Program

Service Employees International Union

Shanghai Stock Exchange Ltd.

Shenzhen Stock Exchange

Star Scientific, Inc.

T-Mobile USA Inc.

Tsingtao Brewery Co. Ltd.

Turing Pharmaceuticals AG

Uber Technologies Inc.

United Continental Holdings Inc.

Wayfair LLC

Westlake Chemical Corporation

eBay Inc.

GOVERNMENT AGENCIES

Agency for Toxic Substances and Disease

Alabama-Coushatta Tribe of Texas

Army Corps of Engineers

Bureau of Citizenship and Immigration Services

Bureau of Industry and Security

California Environmental Protection Agency

Commodity Futures Trading Commission

Department of Commerce

European Commission

Federal Acquisition Regulatory Council

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Reserve System

Food and Drug Administration

Government Accountability Office

Internal Revenue Service

Mashantucket Pequot Tribal Nation

NAFTA

The U.S. Patent and Trademark Office has asked for feedback on whether it should make permanent its Extended Missing Parts Pilot Program, or allow the program that reduces costs for patent applicants to expire at the end of the year.

REAL ESTATE

NJ Justices Halt Retroactive Rental Obligations Ruling

The New Jersey Supreme Court has agreed to stay a ruling that current municipal affordable housing obligations don't necessarily have to include earlier unmet quotas, handing a victory to advocates fighting to uphold protections that arose from landmark litigation over exclusionary zoning.

EMPLOYMENT

Union Contribution Dispute Sent Back To Pa. Labor Board

A Pennsylvania appeals court ruled Thursday that the Pennsylvania Labor Relations Board erred when it passed off to the state attorney general's office an investigation into the alleged misuse of funds from teachers' unions to support Gov. Tom Wolf's 2014 gubernatorial campaign.

OSHA Rule Unfairly Gives Unions Access, Businesses Say

The Occupational Health and Safety Administration illegally changed a rule to allow union officials to tag along on workplace inspections, making collective bargaining disputes a part of what should just be standard worker safety inspections, a business group said Thursday in Texas federal court.

PRIVACY & CONSUMER PROTECTION

House Asks GAO To Investigate OPM Hack Response Deal

National Indian Gaming Commission
New Jersey Legislature
Occupational Safety and Health Administration
Office of the Comptroller of the Currency
Securities Investor Protection Corp.
Securities and Exchange Commission
U.S. Army
U.S. Civilian Board of Contract Appeals
U.S. Customs and Border Protection
U.S. Department of Agriculture
U.S. Department of Defense
U.S. Department of Justice
U.S. Department of Veterans Affairs
U.S. Environmental Protection Agency
U.S. General Services Administration
U.S. House of Representatives
U.S. Marine Corps
U.S. Office of Personnel Management
U.S. Patent and Trademark Office
U.S. Sentencing Commission
U.S. Supreme Court
U.S. Uniform Law Commission
Ysleta del Sur Pueblo

The House Oversight Committee on Wednesday asked a government watchdog to look into whether the U.S. Office of Personnel Management unlawfully stiffed CyTech Services LLC for its work helping to uncover and respond to the high-profile hack of OPM's databases in 2015.

PRODUCT LIABILITY

USDA Can't Duck Food-Safety Groups' Organic Rule Challenge

A California federal judge declined Thursday to dismiss a suit accusing the U.S. Department of Agriculture of revamping the Organic Foods Production Act without allowing for public comment, saying the food-safety groups leading the suit had shown they had concrete grounds behind the suit.

GOVERNMENT CONTRACTS

GSA Rule Would Allow Incidental Purchases Under FSS

The U.S. General Services Administration issued a proposed rule Thursday to allow incidental materials to be purchased under the Federal Supply Schedules, with the aim of making the FSS program more consistent with similar federal contracts and reducing frustration for agencies and industry alike.

House Panel Subpoenas VA Over Blowout On Hospital Project

The House Veterans Affairs Committee on Wednesday voted to subpoena the U.S. Department of Veterans Affairs, a move intended to prompt the agency to cough up information on a long-overdue hospital construction project, expected to cost more than \$1 billion over its initial budget.

INTERNATIONAL TRADE

Dems Take Issue With WTO's 'Protectionist' Claims

A pair of influential Democratic lawmakers on Thursday criticized the leadership of the World Trade Organization for vilifying food safety regulations and remedial tariffs as "protectionist" measures that should be removed, asserting that such measures are vital parts of a rules-based trading system.

Ag Exporters Asked To Sound Off On Cuba Licensing

The Obama administration on Thursday asked for input on the effectiveness of its licensing procedures for shipping food products to Cuba, a move that will likely fuel the calls for reform from a powerful agricultural lobby that has led the charge for more liberalized trade with the island nation.

TAX

Tax Preparers Seek Quick Win In IRS Fee Suit

A certified class of more than a million tax preparers ranging from accountants to attorneys urged a D.C. federal judge Wednesday to block the Internal Revenue Service from charging a fee for issuing a preparer tax identification number, arguing the fee is unlawful.

IMMIGRATION

USCIS To Adopt Parole Policy For U Visa Applicants

The U.S. Citizenship and Immigration Services has accepted Ombudsman Maria M. Odom's recommendation to implement a parole policy for eligible U visa petitioners living abroad who are waiting to receive a U visa, Odom's office announced on Wednesday.

NATIVE AMERICAN

West Texas Tribe's Bingo Is Illegal, State Says

The state of Texas on Thursday urged a federal court to hold the Ysleta del Sur Pueblo tribe in contempt for holding illegal electronic bingo games at its casino, and denied claims that the state had to file a new complaint.

MGM Implores 2nd Circ. To Revive Suit On Tribal Casino Law

MGM Resorts International asked the Second Circuit again on Wednesday to revive its lawsuit over a Connecticut law that paves the way for the Mashantucket Pequot and Mohegan tribes to open a third casino in the state, saying the measure injures MGM by giving the tribe a competitive advantage.

TELECOMMUNICATIONS

FCC Chief Floats Apps-Based Set-Top Box Plan After Backlash

The Federal Communications Commission's chairman revealed a revised plan Thursday to unlock the set-top box market, now requiring pay-TV companies to provide consumers apps to access content on widely available third-party platforms, after meeting stiff resistance on an earlier version of the plan.

FCC Eliminates A Key Break For UHF Station Owners

The Federal Communications Commission's Democratic majority has voted to further tighten the agency's media ownership rules by subjecting UHF stations to the same market share restrictions as VHF stations, eliminating a relaxed standard that was based on the "constraints of old technology."

FCC Chairman Calls For Stronger 5G Wireless Push

Although the Federal Communications Commission is taking steps to roll out fifth-generation technology wireless technology, FCC Chairman Tom Wheeler said on Wednesday that it can still do more to help

move along the process while ensuring competition.

AT&T Tells DC Circ. Local Carriers Can't Collect VoIP Fees

Telecommunications giant AT&T Inc. urged a D.C. Circuit panel Thursday to toss a decision that would allow local carriers to collect local access fees for sending calls "over-the-top" of internet service providers' equipment, arguing the agency would allow carriers to collect for services they did not perform.

EXPERT ANALYSIS

There's A New Sheriff In Town For AD And CVD Orders

If you import goods subject to anti-dumping or countervailing duty orders, get ready for potentially tougher investigations. The release of new enforcement regulations signals the latest of U.S. Customs and Border Protection's efforts to increase its focus on investigating potential instances of evasion by importers and enforcing trade remedy laws, say attorneys with Venable LLP.

NAIC's New Cybersecurity Model Law Draft Is Still Flawed

While the National Association of Insurance Commissioners' latest draft of its revised cybersecurity model law addresses some concerns that insurers previously raised, other fundamental problems remain, including surrounding uniformity and superseding of other state notification laws, says John Pitblado of Carlton Fields Jorden Burt PA.

Finding The Right Way To Deal With Patent Demand Letters

How best to respond to demand letters from nonpracticing entities remains a challenging question for many companies. A recent case brought by a Maryland company that received a demand letter from a well-known NPE provides a window into some pros and cons of different

approaches, say Joshua Dalton and Sarah Paige of Morgan Lewis & Bockius LLP.

LEGAL INDUSTRY

Breaking Into BigLaw Without A BigLaw Resume

Scan the attorney profiles on any BigLaw website, and you'll notice a trend: a majority of the attorneys have likely attended just a handful of the nation's most prestigious law schools and many of them have followed very similar career paths. Here, experts offer tips for breaking into BigLaw as an outlier.

Dozens Of GCs Pledge To Give Work To More Diverse Firms

Two dozen general counsels from varied major corporations, like eBay Inc., United Airlines, McDonald's Corp. and Biogen Inc., signed a letter Wednesday pledging to give their legal work to more diverse law firms.

Law360's Weekly Verdict: Legal Lions & Lambs

Legal lions from Littler Mendelson PC and Gibson Dunn were steady at the wheel for ride-hailing giant Uber, winning a major federal decision on the future of labor claims brought by drivers. Our legal lambs are led by an inventor and lawyers who pressed "bad faith" patent suits and will end up footing their opponent's legal bills.

Rainmaker Q&A: Morgan Lewis' Anne Marie Estevez

Never say no if someone needs a favor or you can proactively help a company avoid a significant issue or risk. It takes time, but "what goes around, comes around" more frequently than many think, says Anne Marie Estevez, a labor and employment partner at Morgan Lewis & Bockius LLP.

Rainmaker Q&A: Much Shelist's Mitchell Roth

Part of remaining a rainmaker is surrounding yourself with a great team. You can't continue to build a larger practice if you have to do all the work. Behind every great rainmaker is a great team, says Mitchell Roth, a managing partner and principal at Much Shelist PC.

JOBS

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Law360 | Portfolio Media, Inc, 111 West 19th Street, 5th Floor, New York, NY 10011

From: Public Policy Law360
Sent: Tuesday, September 13, 2016 5:03 AM
To: Rep48
Subject: Even After Iran Deal, Foreign Cos. Still Fear US Sanctions



Tuesday, September 13, 2016



TOP NEWS

Even After Iran Deal, Foreign Cos. Still Fear US Sanctions

Non-U.S. companies were supposed to be the biggest winners of the historic Iran nuclear accord, which erased the stringent sanctions on foreign entities' dealings with the embattled nation, but those companies still face numerous compliance headaches that threaten to pull them back under the U.S. sanctions umbrella.

Feds Eye Settling Insurers' ACA Suits To Stabilize Markets

The Obama administration is opening the door to settling numerous lawsuits with health insurers seeking billions of dollars in unpaid Affordable Care Act obligations, which would give the administration a path around Republicans' block on the market-stabilization spending.

DOE, DOI Release Plan To Grow Offshore Wind Power In US

The U.S. departments of Energy and Interior on Friday unveiled a collaborative plan to coax further development of offshore wind power, claiming steps taken to lower project development and electricity costs could result in as much as 86 gigawatts of U.S. offshore wind power by the year 2050.

LAW FIRMS

Akin Gump
Baker & McKenzie
Baker Botts
Ballard Spahr
Bancroft PLLC
Bienstock & Michael
Bredhoff & Kaiser
Brune Law PC
Bryan Cave
Bull Housser
Butler Rubin
Cleary Gottlieb
Crowell & Moring
Curtin & Heefner
Day Pitney
Earthjustice
Fitzpatrick Cella
Fletcher Heald
Fredericks Peebles
Freeborn & Peters
Fried Frank
Gibson Dunn
Gray & Associates
Greenberg Traurig
Hogan Lovells
Holland & Hart

GOP Rep. Goodlatte Pushes For EB-5 Reform Bill

House Judiciary Committee Chairman Bob Goodlatte, R-Va., on Monday introduced a bill to reform and reauthorize the soon-to-expire EB-5 Regional Center Program that would extend the program for five years and raise the minimum amount required from investors from \$500,000 to \$800,000, among other changes.

Justice Ginsburg Seeks SEC Response To Tilton's Stay Bid

U.S. Supreme Court Justice Ruth Bader Ginsburg has asked the government to respond to private equity magnate Lynn Tilton's application for a stay of a U.S. Securities and Exchange Commission proceeding against her and her firm, while she continues a quest to challenge the agency's in-house court.

Is It OK To Cuff An Inmate In Labor? 9th Circ. Says Maybe

The Ninth Circuit said Monday that only jurors can decide on a case-by-case basis whether the U.S. Constitution allows law enforcement officers to restrain a female inmate while she is pregnant, in labor or during postpartum recovery.

SEC Urged To Protect Investors From Corporate Tax Dodging

An advocacy group composed of businesses and investors is urging the U.S. Securities and Exchange Commission to implement stricter disclosure standards, saying in a Monday report that investors are facing increasing risks posed by secretive offshore tax avoidance practices.

ANALYSIS

The AIA At 5: A New World Of Patent Challenges

Five years ago this week, the America Invents Act became law, overhauling procedures for applying for patents, challenging their validity and litigating them in court. In a three-part

Holland & Knight
Jones Skelton
Karnopp Petersen LLP
King & Spalding
Kirkland & Ellis
Latham & Watkins
Littler Mendelson
Locke Lord
Marashlian & Donahue
Marshall Gerstein
Mayer Brown
McCarter & English
Morgan Lewis
Norton Rose Fulbright
Nossaman LLP
Paul Hastings
Paul Weiss
Quarles & Brady
Quinn Emanuel
Ropes & Gray
Scarinci Hollenbeck
Schulte Roth
Schwartz Simon
Sheppard Mullin
Sidley Austin
Simpson Thacher
Skadden
Squire Patton Boggs
Sterne Kessler
Sutherland Asbill
Venable LLP
Winston & Strawn

COMPANIES

21st Century Fox Inc.
A&E Television Networks LLC
AAR Corporation
ActionAid
Allergan PLC

series over the coming days, attorneys reflect on how the law has changed the patent landscape, beginning with AIA reviews, which have become more crucial than just about anyone expected.

3 Legal Attacks The Cross-State Air Pollution Rule May Face

The U.S. Environmental Protection Agency has bragged that its revised cross-state air pollution rule will help cut summertime nitrogen oxide emissions from power plants by 20 percent over last year's levels, but the rule — which has already been up to the U.S. Supreme Court once — is likely not out of the legal woods yet, experts say. Here, Law360 identifies three parts of the rule that could spark legal challenges from environmental groups, states and industry parties.

FCC Faces Uncertain Success In Second Round Of Auction

The second stage of the Federal Communications Commission's experimental incentive auction kicks off Tuesday after the agency was forced to lower its goal of how much spectrum it aims to clear, and experts say closing the gap between supply and demand could drag on for months.

BANKING & SECURITIES

Chamber Calls For Financial Stability Board Restructuring

The U.S. Chamber of Commerce on Monday called on global governments to radically restructure the Financial Stability Board, an international panel of financial regulators, in the latest salvo fired against the internationalization of financial rule-making.

SE Asian Capital Market Regulators Push Bond Market Growth

Capital markets regulators with the Association of Southeast Asian Nations said Friday they have agreed to intensify efforts to promote

Altera Corporation
America Fujikura Ltd.
American Federation of Labor and Congress of Industrial Organizations
Apple Inc.
Assisted Living Concepts, Inc.
Association of American Railroads
BlueCross BlueShield of North Carolina
CBS Corporation
CIGNA Corporation
CTIA
Center for Biological Diversity Inc.
Delaware Riverkeeper Network
Enbridge
Facebook
Financial Industry Regulatory Authority Inc.
Google Inc.
Highmark Inc.
Hobby Lobby Stores
Humana Inc.
ICx Technologies, Inc.
IP Owners Association
Immigration Reform Law Institute
International Business Machines Corporation
KPMG International
Kirkland's, Inc.
MSCI, Inc.
NFL Enterprises LLC
National Association of Broadcasters
National Railroad Passenger Corporation
New England Patriots
Oceana Inc.
Pfizer Inc.
Planned Parenthood Federation

regional asset classes, beginning with a regulatory program focused on developing domestic bond markets.

SEC Wants Firms To Watch Reps With Troubled Past

The U.S. Securities and Exchange Commission announced Monday that it is launching exams to test the compliance oversight and controls of investment advisers that hire individuals with a disciplinary history.

FINRA's Capital Acquisition Broker Rules Face Tough Sell

Under newly approved Financial Industry Regulatory Authority rules, brokerages that engage in limited activity, such as advising certain private placements or private mergers and acquisitions, can benefit from lighter regulation, but attorneys doubt the relief goes far enough to make a splash.

ENERGY & ENVIRONMENTAL

Senate's \$9.4B Water Resources Bill Clears Hurdle

The Senate pushed a bill Monday to authorize more than \$9.4 billion in water infrastructure projects, including harbor dredging and aid for lead-contaminated water in Flint, Michigan, after the measure cleared a procedural hurdle.

Enviros Can Intervene In Del. River Fracking Suit

The Delaware Riverkeeper Network can intervene in a lawsuit brought by a landowner challenging the Delaware River Basin Commission's fracking moratorium and refusal to approve an exploratory natural gas well, a Pennsylvania federal judge said Monday.

Feds Reach Deal To Protect Sea Turtles From Shrimpers

A D.C. federal judge on Friday stayed a lawsuit filed by a conservation group accusing the U.S. Department of Commerce of not doing enough

PricewaterhouseCoopers
Public Company Accounting
Oversight Board

Royal Dutch Shell PLC

SLM Corporation

Sierra Club

Talen Energy Corp.

The Boeing Company

The Walt Disney Company

Time Warner Inc.

Twitter Inc.

U.S. Chamber of Commerce

Univision Communications Inc.

Viacom Inc.

Zeughauser Group LLC

GOVERNMENT AGENCIES

Agency for Healthcare Research
and Quality

Army Corps of Engineers

Bureau of Labor Statistics

Centers for Medicare & Medicaid
Services

Cheyenne River Sioux Tribe

Commodity Futures Trading
Commission

Council on Environmental Quality

Delaware River Basin
Commission

Department of Commerce

Equal Employment Opportunity
Commission

European Commission

Executive Office of the President

Federal Aviation Administration

Federal Bureau of Investigation

Federal Communications
Commission

Federal Emergency Management
Agency

to protect endangered sea turtles from shrimp fishing operations off the southeastern U.S. coast, after the government agreed to propose a rule to help fix the problem.

MEDIA & ENTERTAINMENT

House Passes Online Ticket Sales, Review Protection Bills

The U.S. House of Representatives on Monday set new targets for the Federal Trade Commission, passing bills that put in the agency's crosshairs entities that use "bots" to buy online tickets for resale en masse and those that use consumer agreements to stifle online reviews.

Congress Planning On Patent, Copyright Changes, Rep. Says

While legislation targeting abusive patent litigation has stalled in the current Congress, lawmakers plan to revive the effort after the November election while also pushing forward on legislation to amend copyright law, Rep. Hakeem Jeffries, D-N.Y., said Monday.

TRANSPORTATION & INFRASTRUCTURE

DC Circ. Declines To Reconsider Amtrak Due Process Ruling

The D.C. Circuit on Friday refused to reconsider its recent ruling that a federal law allowing Amtrak to set performance and scheduling standards along the nation's passenger railways violated the due process rights of freight railroads using the same tracks.

Enviros, EPA Move To Dismiss Suit Over Aircraft Emissions

Environmental groups and the U.S. Environmental Protection Agency asked a federal judge on Friday to toss a lawsuit the groups brought to force the agency to promulgate long-awaited carbon emissions standards for aircraft, less than two months

Federal Railroad Administration
Federal Trade Commission
Fish and Wildlife Service
Government Accountability Office
Internal Revenue Service
Library of Congress
National Aeronautics and Space Administration
National Institutes of Health
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
New Jersey Legislature
Office of Foreign Assets Control
Pechanga Band of Luiseno Indians
Port Authority of New York & New Jersey
Securities and Exchange Commission
Skokomish Indian Tribe
Smithsonian Institution
Standing Rock Sioux Tribe
U.S. Air Force
U.S. Army
U.S. Attorney's Office
U.S. Copyright Office
U.S. Department of Agriculture
U.S. Department of Energy
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Environmental Protection Agency

after the EPA's final finding that greenhouse gas emissions from aircraft are harmful to humans.

GWB Scandal Figure Fights Claim He Wanted To Impress Gov.

A former public official preparing to go on trial over the George Washington Bridge lane closures urged a New Jersey federal court Sunday to exclude evidence that he sought to curry favor with Gov. Chris Christie by punishing a local mayor, claiming that prosecutors presented the theory only last month.

EMPLOYMENT

Builders Ask 1st Circ. To Limit Mass. Sick Pay Law

Massachusetts building trade groups asked a First Circuit panel Monday to limit the commonwealth's new paid sick time law, arguing that federal law preempts state-based wage claims for union workers under collective bargaining agreements.

Feds Seek To Clarify Scope Of Transgender Bathroom Ruling

The federal government asked a Texas federal judge on Monday to clarify the scope of a ruling that blocked the Obama administration from enforcing new transgender bathroom rules, including whether the ban should apply nationwide.

3rd Circ. Revives Preemption Fight Over Jersey City Tax Law

The Third Circuit revived a federal preemption challenge Monday brought against Jersey City, New Jersey, over an ordinance requiring developers seeking tax breaks to observe certain labor practices, finding that because the city lacks a proprietary interest in tax-abated projects, it enforces its rules as a regulator, not a market participant.

U.S. General Services
Administration

U.S. House of Representatives

U.S. Senate

U.S. Supreme Court

Western Area Power
Administration

COMPETITION

Gov't Witness In Fattah Case Gets 4 Years' Probation

A onetime adviser to former U.S. Rep. Chaka Fattah, D-Pa., who testified as a government witness in the corruption case against the ex-congressman and others, was sentenced to four years of probation on Friday for helping arrange an illegal contribution for Fattah's 2007 Philadelphia mayoral campaign, the U.S. Attorney's office confirmed on Monday.

GOVERNMENT CONTRACTS

GSA Expands Cybersecurity Options For Gov't Agencies

The General Services Administration on Monday formally rolled out its expansion to its information technology schedule to give federal agencies more options to purchase cybersecurity services, part of a broader federal cybersecurity action plan.

Senate Could Vote On Stopgap Funding This Week

The Senate could vote on a measure this week to keep the government funded into December, after Majority Leader Mitch McConnell, R-Ky., filed a motion for short-term funding that would keep general funding flat along with measures for veteran care and to combat the spread of the Zika virus.

INTERNATIONAL TRADE

India Moves To Sink US Green Energy Initiatives At WTO

India's tussle with the U.S. over clean energy policy at the World Trade Organization has grown more acrimonious as New Delhi filed a dispute over subsidies and local content requirements in eight U.S. states, alleging that the programs have flouted international rules, the WTO said Monday.

TAX

Altera Says Tax Court Rightly Nixed IRS Cost-Sharing Rule

Chipmaker Altera Corp. hit back against the Internal Revenue Service's bid to resurrect its court-invalidated rule regarding stock-based compensation in cost-sharing agreements, telling the Ninth Circuit late Friday that the U.S. Tax Court was right to conclude the agency had defied reasonable decision-making.

NJ Lawmakers Advance Bill To Fight Corporate Inversions

A New Jersey Senate committee on Monday advanced legislation to prohibit awarding state contracts and development subsidies to companies that seek to reduce their taxes through so-called inversion transactions.

DC Group Issues Paper Calling For Stronger Corporate Tax

A Washington, D.C.-based research group, whose executive director has been tapped as the chief economist for Hillary Clinton's transition team, released a paper Monday promoting different methods of corporate tax reform focused on the revenue needs of the federal government.

IMMIGRATION

Union Fires Back In Latest Optional Practical Training Case

A technology union urged the D.C. federal court Friday to deny a Department of Homeland Security bid to toss its case challenging a revised foreign student work rule, saying it has sufficiently pled that its members work in fields targeted for additional foreign labor and are harmed as a result.

Shepherds' Case Survives In H-2A Wage Fight

A Washington, D.C., federal judge on Friday refused to toss a suit from a putative class of

shepherds alleging that the H-2A visa program's wage rule depresses pay, saying the shepherds have stated plausible claims against the federal government.

NATIVE AMERICAN

Native American Tourism Bill Heads To President's Desk

Congress sent a measure requiring federal agencies to better plan for Native American tourism opportunities to the president's desk Monday after the bill passed the House on a voice vote.

Calif. Rep. Floats Pechanga Band Water Rights Pact Bill

A California lawmaker on Friday introduced a bill that would ratify a settlement between the Pechanga Band of Luiseno Indians, the state, the federal government and certain local water districts, setting out the tribe's long-disputed water rights in the Santa Margarita River Watershed.

Wash. Tribe Presses To Toss Rival's Hunting Grounds Suit

Members of the Suquamish Tribal Council and the tribe's fisheries director pressed a Washington federal court on Friday to nix the Skokomish Indian Tribe's suit accusing them of encroaching on its hunting grounds, arguing that the dispute fails on three premises.

Tribes May Have More Say In Projects After Dakota Pipeline

The Obama administration's recent construction freeze on part of the controversial Dakota Access pipeline and promise to rethink how Native American tribes are consulted may lead to tribes getting not only more opportunity to voice concerns but also the power to determine how, or even if, infrastructure projects affecting their rights are allowed to proceed.

TELECOMMUNICATIONS

DC Circ. Won't Revive Low-Power TV Auction Challenges

The full D.C. Circuit refused Friday to revive a challenge by a low-power TV station and low-power TV investors to the Federal Communications Commission's upcoming spectrum auction, which could take some of the small local stations off the air.

CBS Wants No FCC Licensing Involvement In Set-Top Plan

Disney, CBS and other programmers have said that they remain "strongly opposed" to any Federal Communications Commission plan to unlock competition in the set-top box market that includes agency involvement in the licensing process, the same day FCC Chairman Tom Wheeler unveiled his revised plan.

EXPERT ANALYSIS

The Right Side Of History: Obama's Administration And DAPL

After the District of Columbia denied the Standing Rock Sioux Tribe's request for an injunction against the controversial Dakota Access Pipeline, the Obama administration sided with the tribe. However, this lawsuit may just be the opening salvo in a much larger battle for tribal rights, says Professor Matthew Fletcher of Michigan State University College of Law.

An End-Of-Summer Push On Environmental Mitigation Policy

The final week of August saw several important developments in what is proving to be a very consequential year for federal environmental mitigation policy. Thomas Jensen and Sandra Snodgrass of Holland & Hart LLP highlight key features and implications of each new development.

What To Expect From The Future Of Health Care

Today health care organizations see us as consumers and are committed to a cultural shift that will reposition us as members. This process is an important, strategic effort by many of the largest health systems and there is regulatory and empirical support for it, say attorneys with Bryan Cave LLP.

Extraction Payment Rule May Lead To More FCPA Scrutiny

New U.S. Securities and Exchange Commission rules for resource extraction issuers will create a mandatory disclosure requirement for certain payments that have traditionally fallen under the Foreign Corrupt Practices Act and have not been subject to a mandatory disclosure requirement. An effect is a likely increase in voluntary FCPA disclosures and FCPA investigations, say Lara Covington and Lisa Prager of Holland & Knight LLP.

IRS' Management Contract Safe Harbors: Some Observations

The IRS recently issued guidance that generally provides greater flexibility to a state, local government or nonprofit entity that funds projects with tax-advantaged bonds. However, government and nonprofit entities, when entering into management contracts with third parties, should not necessarily alter their sound business practices in negotiating contract terms as a result of the new safe harbors, say attorneys with Locke Lord LLP.

Rise In Whistleblower Claims Likely With New CFTC Rules

Recently proposed regulations would enable the U.S. Commodity Futures Trading Commission to bring enforcement actions against employers that retaliate against whistleblowers, and would expand the agency's authority into an unprecedented area insofar as policing energy and other market participants is concerned, say attorneys with Morgan Lewis & Bockius LLP.

LEGAL INDUSTRY

Kirkland Chasing Prestige Of Rivals With Bancroft Power Play

Kirkland & Ellis LLP's hire of Paul Clement and the entire Bancroft PLLC legal team, announced Monday, creates one of the most formidable appellate practices in the U.S., but experts say the move may also be driven by forces outside a desire to dominate at the Supreme Court.

Paul Clement, Bancroft Firm To Join Kirkland & Ellis

Kirkland & Ellis LLP has snapped up the entire 17-attorney team at renowned appellate firm Bancroft PLLC, home to former solicitor general and prolific U.S. Supreme Court litigator Paul D. Clement, Kirkland & Ellis said Monday.

How Paul Clement Ended Up At Kirkland

Widely considered one of the elite advocates of the U.S. Supreme Court, Paul Clement's legal education hasn't been so single-minded. Along with his law degree, Clement studied economics and has held a handful of private and public-sector jobs on his way to Kirkland & Ellis LLP this week.

Cybersecurity Becoming Big Issue For GCs, Report Says

General counsel at firms around the world have seen their responsibilities grow over the years, and a Monday report finds that such is only going to increase as issues ranging from cybersecurity to social media risks come more and more under their purview.

Norton Rose Boosts Canadian Presence With Firm Takeover

Global law firm Norton Rose Fulbright established a new presence on the west coast of Canada, seeking to enter the country's fastest growing economy by combining with British Columbia-based Bull Housser & Tupper

LLP, the firm announced in a statement on Monday.

Cleary Gottlieb Taps Longtime Partner As New Leader

Cleary Gottlieb Steen & Hamilton LLP on Monday announced that longtime financial investments partner Michael Gerstenzang will become the firm's new managing partner next year, as veteran antitrust partner Mark Leddy is set to leave the position.

4 Practice Areas Where NJ Firms Are Hiring

Real estate has emerged as one of the busiest practice areas in which New Jersey law firms are hiring as the state continues its climb out of the recession, while intellectual property and corporate compliance have also found themselves in high demand in the wake of regulatory updates and landmark court rulings. Here are the sectors experts view as hotbeds of employment opportunities for attorneys who want to work in New Jersey.

Pro Bono Firm of 2016: Akin Gump

Lobbying for millions of dollars in childhood cancer research, fighting to hold Bolivian officials responsible for human rights violations and working to restore a deaf man's dignity after he was wrongfully jailed for weeks have earned Akin Gump a spot as one of Law360's Pro Bono Firms of 2016.

Rainmaker Q&A: Quarles & Brady's Stephanie Quincy

Not every client will be a fit or a "win." Instead of focusing on just our wins or (perceived) losses, I always step back and look at the bigger picture. Oftentimes what I learn from a loss is far greater than from even the biggest of wins, says Stephanie Quincy, a partner in Quarles & Brady LLP's labor and employment group.

Rainmaker Q&A: Schulte Roth's David Nissenbaum

It doesn't matter whether or not you play golf.
Work hard every day of your career to establish
a solid foundation of legal and business
knowledge. You can't succeed at rainmaking
over the long term unless you really know your
stuff, says David Nissenbaum, a partner at
Schulte Roth & Zabel LLP.

JOBS
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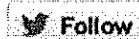
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From: Public Policy Law360
Sent: Friday, September 16, 2016 4:48 AM
To: Rep48
Subject: Sen. Panel Advances Judge Koh's 9th Circ. Nomination



Friday, September 16, 2016



TOP NEWS

Sen. Panel Advances Judge Koh's 9th Circ. Nomination

The Senate Judiciary Committee on Thursday voted 13-7 to advance U.S. District Judge Lucy H. Koh's nomination for the Ninth Circuit Court of Appeals, despite concerns from one member that her 2015 decision requiring a warrant for cellphone location information was "judicial activism."

Feds Crack Down On Multinationals' Foreign Tax Credits

The ability of multinational companies to lower their U.S. tax bills by claiming a credit for taxes paid abroad may soon be limited, after the U.S. Department of the Treasury revealed Thursday it is drafting rules to curb this practice when foreign governments make tax adjustments.

Clinton Says She Would Look Beyond Garland For High Court

Democratic presidential candidate Hillary Clinton said Thursday she would consider alternatives to Judge Merrick Garland for the current U.S. Supreme Court vacancy if she were elected in November, suggesting the search would include more-diverse nominees than Garland, whose confirmation has languished in the Senate since March.

LAW FIRMS

Adams Stepner
Akin Gump
Baker Botts
Bancroft PLLC
Barnes & Thornburg
Caldwell Leslie
Carpenter Lipps
Chadbourne & Parke
Cole Scott
Cooley
Covington & Burling
Cravath Swaine
Crowell & Moring
Davis Polk
Earthjustice
Focal PLLC
Fox Rothschild
Freund Freeze
Goodwin
Greenberg Traurig
Gunster
Hogan Lovells
Hooper Lundy
Hunton & Williams
K&L Gates
Kelley Kronenberg

TTIP Outlook Still Murky Following Top-Level Meeting

U.S. Trade Representative Michael Froman and European Union Trade Commissioner Cecilia Malmstrom emerged from a closely watched huddle on Thursday with few details about the path forward for the Transatlantic Trade and Investment Partnership negotiations.

Trump Energy Agenda Would Ax Clean Power Plan, Water Rule

Republican presidential nominee Donald Trump released details Thursday of his proposed energy policy, which includes scrapping the U.S. Environmental Protection Agency's Clean Power Plan and Waters of the United States rule and opening more federal lands and waters to oil and gas development.

House Panel To Hold IRS Chief Impeachment Hearing

The House Judiciary Committee will hold a hearing on the potential impeachment of Internal Revenue Service Commissioner John Koskinen, as part of a deal announced late Wednesday that would avoid an effort from conservative Republicans to force a floor vote to remove the IRS head.

Judge Sues County Board To Challenge Alleged Faux-Judge

A Cook County, Illinois judge hoping to challenge a law clerk accused of donning another judge's robes and ruling on cases for a Chicago judgeship filed a lawsuit Wednesday in the county court to force the city election authority to count her votes.

Don't Clarify Ky. Political Speech Ruling, 6th Circ. Told

A Kentucky judicial candidate in a battle with the state's Judicial Conduct Commission over limits on political speech while campaigning told the Sixth Circuit on Wednesday that there is no need to clarify the scope of its recent decision

Kellogg Huber
Kilpatrick Townsend
Kirkland & Ellis
Latham & Watkins
Lewis Longman
McDermott Will
Mishcon de Reya
MoloLamken LLP
Morgan Lewis
Morris Manning
Norton Rose Fulbright
Odelson & Sterk
Pillsbury Winthrop
Proskauer Rose
Ropes & Gray
Sanford Heisler
Sidley Austin
Simpson Thacher
Stites & Harbison
Venable LLP
White & Case

COMPANIES

AARP Inc.
AT&T Inc.
Aetna Inc.
Allergan PLC
Alliantgroup LP
Altman Weil Inc.
Amazon.com Inc.
American Bar Association
American Civil Liberties Union
American College of Trial Lawyers
American Petroleum Institute Inc.
Anacor Pharmaceuticals Inc.
Anthem Inc.
Apple Inc.
Baker Hughes Inc.
Bayer AG

finding the rules unconstitutional because the opinion completely invalidated them.

ANALYSIS

Environmental Highlights From Senate's \$9.4B Water Bill

While the \$9.4 billion version of the Water Resources Development Act passed by the U.S. Senate on Thursday isn't as sweeping as legislation from previous years, it does feature some major provisions, including giving states more flexibility in implementing coal-ash standards and funding major ecological restoration projects in Florida and Los Angeles.

BANKING & SECURITIES

CFTC Chair Seeks To Delay Drop In Swap Threshold

The head of the U.S. Commodity Futures Trading Commission said Thursday he will recommend the agency delay a scheduled drop in the threshold for swap dealer registration, giving the agency more time to consider a controversial planned expansion in how many firms must register.

SEC Judge Challenges Tossed After 11th Circ. Decision

A Georgia federal judge has formally tossed constitutional challenges to the U.S. Securities and Exchange Commission's in-house court by investment firm Gray Financial Group Inc. and real estate developer Charles L. Hill after the Eleventh Circuit declined to revisit its decision ordering as much.

CFTC Nominees Poised For Approval After Senate Hearing

Lawmakers on the Senate Agriculture Committee appeared poised to approve two nominees for the U.S. Commodity Futures Trading Commission when questioning the would-be commissioners on Thursday, despite disagreement between Democratic and GOP

CIGNA Corporation
CTIA
Cephalon, Inc.
Cisco Systems Inc.
Dow Chemical Co.
Florida Trend
GlaxoSmithKline
Google Inc.
Halliburton Company
Hubbell Inc.
Humana Inc.
Kirkland's, Inc.
McDonald's Corporation
McGraw Hill Financial Inc.
Medivation, Inc.
Monsanto Company
Murray Energy Corp.
Mylan NV
National Association of Manufacturers
National Cable & Telecommunications Association
Nationwide Mutual Insurance Co.
Natural Resources Defense Council
New York Times Co.
Newegg Inc.
Office Depot Inc.
Pfizer Inc.
PhRMA
Physicians for Social Responsibility
Public Company Accounting Oversight Board
Ranbaxy
Samsung Electronics Co. Ltd.
Sierra Club
Staples, Inc.
Starbucks Corporation

lawmakers over whether the CFTC needs a bigger budget.

ENERGY & ENVIRONMENTAL

Senate Passes \$9.4B Water Infrastructure, Flint Aid Bill

The U.S. Senate passed a bill Thursday authorizing more than \$9.4 billion in projects to repair and improve waterway infrastructure across the country, as well as aid for communities like Flint, Michigan, with contaminated water supplies.

Ozone Rule Foes Tell DC Circ. EPA's New Standards Fail

States, industry groups and health advocacy groups involved in the legal tug-of-war over the U.S. Environmental Protection Agency's new ambient air quality standards for ozone further lobbied the D.C. Circuit to invalidate the new limits on Wednesday, saying the EPA's defense of its new standards doesn't hold up.

EPA Reneging On Perchlorate Deadline, NRDC Says

The U.S. Environmental Protection Agency is going back on an admission it failed to promulgate regulations on a toxic chemical that can pollute drinking water, the Natural Resources Defense Council told a New York federal court Wednesday amid the two sides' disagreement over what the EPA's timeline to finalize regulations is.

NY Releases Details On Initial Offshore Wind Farm Plans

New York state officials on Thursday released a 24-page blueprint report on where and how it plans to generate offshore wind energy from turbines in the Atlantic Ocean, a plan that plays into newly adopted standards to deliver 50 percent of the state's electricity demand from renewable resources by 2030.

Syngenta AG
Tata Consultancy Services Ltd.
The Walt Disney Company
U.S. Chamber of Commerce
Verizon Communications
Yelp Inc.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Ocean Energy Management
Commodity Futures Trading Commission
European Commission
Executive Office for Immigration Review
Federal Communications Commission
Federal Emergency Management Agency
Federal Trade Commission
Florida Department of Environmental Protection
Government Accountability Office
Illinois Supreme Court
Internal Revenue Service
International Trade Commission
National Oceanic and Atmospheric Administration
Port Authority of New York & New Jersey
Securities and Exchange Commission
Seminole Tribe of Florida
Texas Attorney General's Office
U.S. Air Force
U.S. Army
U.S. Department of Agriculture
U.S. Department of Defense

Miami, Seminoles Lose Challenges To Proposed Water Regs

An administrative law judge has tossed consolidated cases in which the Seminole Tribe of Florida, the city of Miami, a county and a group representing pulp and paper manufacturers challenged a proposed rule that would revise the state's surface water quality standards, saying they had been filed too late.

HEALTH & LIFE SCIENCES

Drug Cos. Would Have To Justify Price Hikes Under New Bills

U.S. Sens. John McCain, R-Ariz., and Tammy Baldwin, D-Wis., and Rep. Jan Schakowsky, D-Ill., on Thursday introduced bills which would require companies that increase their drug prices more than 10 percent at once to justify that raise to the public in an effort to increase transparency.

TRANSPORTATION & INFRASTRUCTURE

Feds Fight Bid To Limit Evidence Of Motive For GWB Scandal

Prosecutors preparing for a trial over the George Washington Bridge lane closures pushed back Thursday against a motion to exclude evidence that one of the defendants had tried to curry favor with New Jersey Gov. Chris Christie, arguing that the government may present such proof of the defendant's motive.

EMPLOYMENT

DOJ Says States Don't Understand Gender Identity Ruling

The U.S. Department of Justice on Wednesday told a Texas federal court that the 13 states challenging federal guidance that transgender public school students must be allowed to use the bathroom matching their gender identity

U.S. Department of Health and Human Services

U.S. Department of Justice

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Office of Personnel Management

U.S. Patent and Trademark Office

U.S. Senate

U.S. Supreme Court

have misunderstood how a block on the ruling should apply.

Medicare Wage Rule Is Invalid, Hospitals Tell DC Circ.

Nearly 100 hospitals that lost a challenge to how Medicare reimbursement is adjusted based on local labor costs asked the D.C. Circuit on Wednesday to revive their case, arguing that the U.S. Department of Health and Human Services improperly implemented the rule.

COMPETITION

GCs Increasingly Spending Time Sweating Antitrust Actions

A quarter of the 600 corporate in-house attorneys Norton Rose Fulbright surveyed about litigation trends say their companies have spent more time dealing with antitrust or competition matters this year than the year before, according to results released Thursday.

GOVERNMENT CONTRACTS

DOD Outlines Approach For Union Construction Contracts

The U.S. Department of Defense issued updated guidance Wednesday outlining how Pentagon agencies should handle project-specific collective bargaining agreements for major construction work and if the agencies should pursue such agreements at all, based on factors including geographic area and labor needs.

Temporary Budget Deals Hurting Planning, DOD Brass Says

The Joint Chiefs of Staff on Thursday criticized the ongoing use of continuing resolutions for federal spending, saying related budget uncertainty had driven up the cost and time requirements for almost everything the Pentagon does.

McCaskill Says Air Force Drone Contracting Isn't A Good Fix

Sen. Claire McCaskill, D-Mo., urged the U.S. Air Force on Wednesday to explain its ongoing use of civilian contractors as operators of unmanned aerial vehicles, questioning whether the move is a counterproductive response to growing demand for drone operations.

INTERNATIONAL TRADE

Canadians Say Lumber Duties Cost American Consumers \$6B

As a deadline for a new U.S.-Canada softwood lumber trade agreement approaches, a Canadian economic think tank Thursday called for lower trade barriers in the new agreement, arguing the current tariffs have cost U.S. consumers nearly \$6 billion over the past nine years.

ITC Unveils Web Portal For New Tariff-Cutting Process

The U.S. International Trade Commission on Wednesday unveiled a new portal on its official website devoted exclusively to helping companies navigate the new miscellaneous tariff bill process, which puts the ITC at the forefront of the effort to slash tariffs on hundreds of imported goods.

TAX

IRS Budget Cuts Blamed For Costly Audits Of Small Biz

An inadequate budget and low staffing levels at the Internal Revenue Service are seen as the root causes of prolonged audits that have cost small businesses exorbitant amounts, according to experts who testified before the House Small Business Committee on Wednesday.

IMMIGRATION

Clinton, Trump Tackle Skilled Foreign Worker Issues

Presidential candidates Hillary Clinton and Donald Trump recently weighed in on issues involving skilled foreign workers in responses released by a science advocacy group, with Clinton pushing for green cards for certain international graduates and Trump offering thoughts on the H-1B program.

Asylum Applications Can Now Be Filed By Mail, DOJ Says

Applications for asylum, withholding of removal and protection under the Convention Against Torture are no longer required to be filed at a master calendar hearing and can instead be filed in-office or by mail, according to a Wednesday memo from the U.S. Department of Justice's Executive Office for Immigration Review.

TELECOMMUNICATIONS

FCC Chair Defends Set-Top Box Plan From Senate Critics

Federal Communications Commission Chairman Tom Wheeler on Thursday defended his plan to unlock set-top boxes, relying on statutory mandates and the costs incurred by consumers even as he told at-times-critical lawmakers that he was open to tweaks to allay industry concerns.

Industry Urges Strong Senate Oversight Of FCC Privacy Plan

A group of major telecom trade associations pushed the leaders of the Senate's Commerce, Science and Transportation Committee on Wednesday ahead of a Thursday oversight hearing to keep a close eye on the Federal Communications Commission's continued work to set privacy rules for broadband providers, saying it is a time of "critical importance" for the proceeding.

Startups Urge Congress To Support FCC Special Access Plans

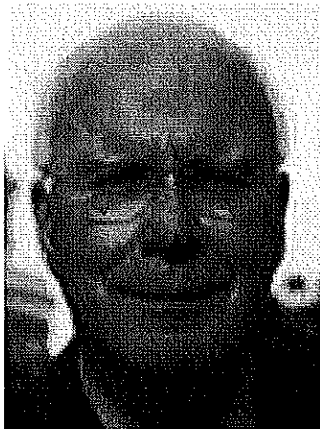
The market for business data services must be reformed under a plan by the Federal Communications Commission, a group of startup companies wrote to Congress on Wednesday, saying the issue is key for the startup economy.

Rep. Says FCC Republicans Have Withheld Open Internet Docs

The Top Democrat on the House Oversight and Government Reform Committee blasted the two Republican commissioners at the Federal Communications Commission on Wednesday for allegedly failing to respond to document requests on the process behind the FCC's net neutrality decision last year, calling it "unacceptable."

EXPERT ANALYSIS

Sen. Leahy On The AIA's 5th Anniversary



Enactment of the America Invents Act was more than a victory for American inventors; it was a demonstration that Congress could still work in a bipartisan, bicameral manner. It showed what we can achieve when we put aside rhetoric and negotiate in good faith, says Sen. Patrick Leahy, D-Vt.

Rep. Smith On The AIA's 5th Anniversary



While the primary purpose of the America Invents Act was to improve the validity of the patent-granting process, the legislation included a narrow provision to improve patent litigation. Unfortunately, some activist judges have ignored this new tool, says Rep. Lamar Smith, R-Texas.

LEGAL INDUSTRY

Why More High Court Boutiques May Follow Bancroft's Lead

While the legal community was caught by surprise by the union of Kirkland & Ellis LLP and crack U.S. Supreme Court boutique Bancroft PLLC, experts said even the most successful appellate practices might look to a large firm for the cure to a common malady: not enough cases to go around.

Atty Hits Back After Chadbourne Female Partners Assail Suit

Plaintiffs' attorney David Sanford told the female Chadbourne & Parke LLP partners who'd disavowed a \$100 million proposed gender discrimination class action against the firm in a letter earlier this week that other lawyers at the firm had said his complaint captured the situation at Chadbourne.

GC Reliance On Alternative Fees Shows No Signs Of Slowing

The use of alternative fee arrangements by corporate counsels is still on the rise, according to survey results released Thursday that found

a larger portion of in-house attorneys are using AFAs in 2016 than were in 2015 and are spending a bigger chunk of their budgets on the fee arrangements.

GCs Dealing With More Litigation As Economy Wavers

Litigation against companies is still on the rise as an additional 6 percent of organizations surveyed faced a lawsuit in the last year, an increase due mainly to continuing economic turmoil, particularly in the energy and oil markets, according to a new study from Norton Rose Fulbright.

Latham Launches Program To Ship Milk For Traveling Moms

Latham & Watkins LLP on Wednesday rolled out a program to help traveling attorneys who are breastfeeding store and ship their milk back home as part of a suite of programs at the firm to support new parents coming back to work.

Law360's Weekly Verdict: Legal Lions & Lambs

Kirkland & Ellis LLP has lured to its fold all 17 attorneys at appellate powerhouse Bancroft PLLC, including former Solicitor General Paul Clement, earning it Law360's top legal lion spot this week, while ex-Simpson Thacher & Bartlett LLP managing clerk Steven Metro landed on the list of legal lambs after he was sentenced to 46 months in prison for an insider trading conviction.

Pro Bono Firm Of 2016: Caldwell Leslie & Proctor

Caldwell Leslie & Proctor PC's pro bono efforts over the last year have led to the removal of a Christian cross from the Los Angeles County seal and the release of a transgender woman detained for four years while fighting her removal to Mexico, landing the practice a spot among Law360's Pro Bono Firms of 2016.

Rainmaker Q&A: Kirkland & Ellis' James Hurst

Once, when I just started acting as a lead attorney and probably looked too "young," I landed a skeptical client by inviting them to call a competitor who I had recently faced at trial. I mostly crossed my fingers and hoped the opposing counsel would say something nice, says James Hurst, partner at Kirkland & Ellis LLP.

Rainmaker Q&A: Kelley Kronenberg's Howard Wander

Always be willing to talk to anyone and everyone. You never know who you are going to meet. You may meet someone who does not fit your prospect profile, but just because they don't fit, does not mean they won't know someone who does, says Howard Wander, principal partner at Kelley Kronenberg.

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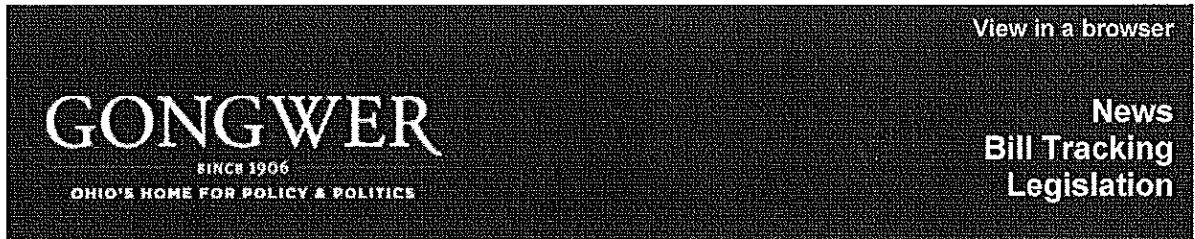
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HOUSE ACTIVITY REPORT

INTRODUCED AND REFERRED

HCR 38

CANCER CENTER (Conditt, M., Dever, J.)

To express support for the Proton Therapy Center at Cincinnati Children's Hospital and to urge that it be recognized by the National Cancer Institute as a Designated Cancer Center.

PASSED

SB 252

CARDIAC ARREST (Hite, C., Patton, T.)

With regard to sudden cardiac arrest in youth athletic activities.

86-4 (Brinkman, Dean, Hood & Vitale)

HB 533

AWARENESS MONTH (Sprague, R.)

To designate the month of May as

"Neurofibromatosis Awareness Month."

91-0

HB 535

MILITARY BENEFITS (Perales, R.)

To extend employment and reemployment protection to a person who is a member of another state's national guard or organized militia and who is employed in Ohio.

93-0

CALENDAR FOR COMING SESSION

SB 225

AWARENESS DAY (Bacon, K.)

To designate the first day of June as "Hypoparathyroidism Awareness Day."

Thursday, Nov. 17

HB 270

OVERDOSE DEATHS (Dever, J., Pelanda, D.)

To provide that causing the death of another person by an overdose that results from the offender's sale, distribution, dispensation, or administration of a controlled substance or controlled substance analog is a violation of the offense of involuntary manslaughter and to make this provision a strict liability offense.

Thursday, Nov. 17

HB 520

RETIREMENT SYSTEMS (Schuring, K., Ramos, D.)

To revise the law governing the state's public retirement systems.

Thursday, Nov. 17

HOUSE CONCURS IN SENATE AMENDMENTS

HB 300

LICENSE SUSPENSIONS (Baker, N., Manning, N.)

To modify the law governing the termination or modification of a lifetime driver's license suspension or a class two suspension that exceeds fifteen years, to specify that a class one driver's license suspension for a specified aggravated vehicular homicide offense begins upon the offender's release from prison, and to expand the purposes for which limited driving privileges may be granted during a driver's license suspension.

89-0

HOUSE ELECTS MEMBER

WES GOODMAN, REPUBLICAN, 87TH DISTRICT

CANDICE KELLER, REPUBLICAN, 53RD DISTRICT

REFERRED

Armed Services, Veterans Affairs & Public Safety

HB 615

MILITARY LICENSE PLATES (Johnson, G.)

To allow a military veteran license plate to include the names of multiple military operations on one license plate.

Community & Family Advancement

HB 618

RECORD EXPUNGEMENT (Schuring, K., Reece, A.)

To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity.

Financial Institutions, Housing & Urban Development

HB 616

BANKING LAW (Amstutz, R.)

For the purpose of enacting a new banking law for the State of Ohio.

Government Accountability & Oversight

HJR 9

GENERAL OBLIGATION BONDS (Amstutz, R., Curtin, M.)

Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to adopt the recommendation of the Ohio Constitutional Modernization Commission relative to the issuance of general obligation bonds to pay the costs of facilities for mental health and developmental disabilities, parks and recreation, and housing of agencies of state government.

HJR 10

OBSOLETE BOND PROVISIONS (Amstutz, R., Curtin, M.)

Proposing to enact Section 18 of Article VIII and to repeal Sections 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2j, and 2k of Article VIII of the Constitution of the State of Ohio to adopt the recommendation of the Ohio Constitutional Modernization Commission that obsolete bond-authorizing provisions be eliminated.

HJR 11**SINKING FUND (Amstutz, R., Curtin, M.)**

Proposing to amend Section 2 and to repeal Sections 7, 8, 9, 10, and 11 of Article VIII of the Constitution of the State of Ohio to adopt the recommendation of the Ohio Constitutional Modernization Commission that certain provisions concerning the sinking fund and the Sinking Fund Commission be eliminated.

HJR 12**COURTS OF CONCILIATION (Amstutz, R., Curtin, M.)**

Proposing to repeal Sections 19 and 22 of Article IV of the Constitution of the State of Ohio to adopt the recommendation of the Ohio Constitutional Modernization Commission to eliminate the authority of the General Assembly to establish courts of conciliation and to eliminate the authority of the Governor to appoint a supreme court commission.

HB 613**SUNSET REVIEW LAW (Amstutz, R.)**

To revise and renew the Sunset Review Law, to require that a Sunset Review Committee be convened to function during each oddnumbered General Assembly, and to declare an emergency.

HB 617**BOARD CONSOLIDATIONS (LaTourette, S.)**

To require the Director of Administrative Services to review referred agency actions and determine whether they are consistent with state and federal antitrust law; to create the State Vision and Hearing Professionals Board, the State Behavioral Health Professionals Board, and the State Physical Health Services Board; to abolish the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Board of Speech Language Pathology and

Audiology and transfer those boards' duties to the State Vision and Hearing Professionals Board; to abolish the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology and transfer those boards' duties to the State Behavioral Health Professionals Board; to abolish the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics and transfer those boards' duties to the State Physical Health Services Board; to abolish the Ohio Board of Dietetics and transfer its duties to the State Medical Board; to abolish the Ohio Respiratory Care Board and transfer its duties to the State Board of Pharmacy and the State Medical Board; to make other changes regarding licensing and regulating certain health professionals; and to make an appropriation.

Transportation & Infrastructure

HB 614

PORT AUTHORITY MEETINGS (Patterson, J., Perales, R.)

To allow airport and port authorities to conduct meetings by video conference and teleconference.

Ways & Means

HB 612

DISASTER BUSINESS EXEMPTION (Ryan, S.)

To exempt out-of-state disaster businesses and qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster

COMMITTEE HEARINGS

Finance

HJR 5

WATER SEWER BONDS (Lepore-Hagan, M., Smith, K.)

Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to permit the issuance of general obligation bonds to fund sewer and water capital improvements.

CONTINUED

SB 235

PROPERTY TAXES (Beagle, B., Coley, B.)

To exempt from property tax the increased value of property on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property.

CONTINUED (See separate story)

HB 67

MEDICAL GRANTS (Ramos, D.)

To create the Frances Lewandowski Memorial Medical Research Fund and the Medical University Research Reserve Fund to provide grants to public medical schools for research on terminal, chronic or currently incurable diseases, to require the General Assembly annually to appropriate for those grants an amount equal to not less than one-tenth of one percent of total prior year General Revenue Fund appropriations, and to make an appropriation.

CONTINUED

HB 492

CAPITAL IMPROVEMENTS (Rogers, J., Driehaus, D.)

To create the Supplemental State Capital Improvements Pilot Program funded by a temporary

transfer from the Budget Stabilization Fund and to make an appropriation.

CONTINUED

HB 583

COLLECTIVE BARGAINING (Becker, J.)

To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

RE-REFERRED (To Commerce & Labor)

HR 282

HIGHER EDUCATION (Howse, S., Ramos, D.)

To support efforts to ensure that students from Ohio have access to debt-free higher education at public colleges and universities.

CONTINUED

Insurance

SB 27

FIREFIGHTER CANCER (Patton, T.)

To provide that a firefighter who is disabled as a result of specified types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

CONTINUED-SUBSTITUTE

HB 275

VISION CARE (Schuring, K.)

Regarding limitations imposed by health insurers on

vision care services.
CONTINUED

HB 416

SELF INSURANCE (Schuring, K.)

To enable state colleges and universities to establish joint self-insurance pools.
CONTINUED

Finance: Health & Human Services Sub.

SB 319

DRUG REGULATIONS (Eklund, J.)

To revise certain laws regarding the regulation of drugs, the practice of pharmacy, and the provision of addiction services.

SB 332

INFANT MORTALITY (Jones, S., Tavares, C.)

To provide for the implementation of recommendations made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs.

State Government

SB 199

MILITARY FIREARMS (Uecker, J., Gardner, R.)

To specify that an active duty member of the U.S. Armed Forces: (1) does not need a concealed handgun license to carry a handgun concealed if the member is carrying valid military identification and a certificate indicating successful small arms qualification; and (2) may be sold or furnished a handgun if the member has received military or equivalent small arms training.

SB 220

DEFERRED COMPENSATION (Hottinger, J.)

To authorize the Ohio Public Employees Deferred

Compensation Board and local governments to establish designated Roth account features and other tax-deferred or nontax-deferred features permitted for government deferred compensation plans.

HB 529

FIREARMS (Retherford, W., Hagan, C.)

To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training or comparable training and who is authorized to carry firearms by the law enforcement agency the professional is serving to carry firearms while on duty in the same manner, to the same extent, in the same areas, and subject to the same potential for civil and criminal liability as a law enforcement officer of the agency; and to grant such a professional, while on duty in that capacity, the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license.

HB 551

FOOD INSPECTIONS (Hill, B.)

To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations.

Public Utilities

HB 554

RENEWABLE ENERGY (Amstutz, R.)

To revise the requirements for renewable energy, energy efficiency savings, and peak demand reduction and to revise provisions governing which customers can opt out of related programs.

SCHEDULED BUT NOT HEARD (See separate story)

Health & Aging

SB 165

LIFE-SUSTAINING TREATMENT (Lehner, P.)

To establish procedures for the use of medical orders for life-sustaining treatment and to make changes to the laws governing DNR identification and orders.

CONTINUED

SB 245

MALNUTRITION (Manning, G.)

To create the Malnutrition Prevention Commission to study malnutrition among older adults.

CONTINUED

SB 291

AWARENESS MONTH (Yuko, K.)

To designate September as "Pain Awareness Month."

REPORTED

HB 580

MONTH DESIGNATION (Johnson, T., Huffman, S.)

To designate the month of November as "One Health Awareness Month."

REPORTED

HB 603

PALLIATIVE CARE (LaTourette, S.)

To create the Palliative Care and Quality of Life Interdisciplinary Council, to establish the Palliative Care Consumer and Professional Information and Education Program, and to require health care facilities to identify patients and residents who could benefit from palliative care.

CONTINUED

HB 611

HOSPITAL AFTER-CARE (LaTourette, S.)

To provide for the designation of a lay person to provide after-care to a hospital inpatient and participate in discharge planning.

CONTINUED

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Thursday, November 17, 2016



TOP NEWS

Trump's SEC Likely To Shrink Back Where White's Expanded

U.S. Securities and Exchange Commission Chair Mary Jo White's signature policy of demanding admissions in cases of egregious fraud will likely remain when she steps down in January, but experts said her eventual replacement will probably pull back from her "broken windows" enforcement style and slow the agency's rulemaking flow.

Analysis

Trump's Plan To Deport 2M Immigrants Will Face Roadblocks

President-elect Donald Trump has said he plans to deport 2 million to 3 million unauthorized immigrants with criminal records, but that number is likely inflated, and experts suggest deportations could be slowed by court hearings, with some cities further complicating the process by refusing to abandon their "sanctuary" status.

DOL Persuader Rule Permanently Blocked By Texas Judge

A Texas federal judge permanently blocked the U.S. Department of Labor from enforcing a new rule expanding employers' disclosure requirements related to union-organizing

LAW FIRMS

Alston & Bird
Arent Fox
Baker Botts
Beeson Tayer
Covington & Burling
Cravath Swaine
Davis Polk
Debevoise & Plimpton
Dentons
Earthjustice
Epstein Becker Green
Foley & Lardner
Freehill Hogan
Graves Dougherty
Greenberg Traurig
Husch Blackwell
Jacobson Burton
K&L Gates
Kaufman Dolowich
Kemp Smith
Kirkland & Ellis
Kramer Levin
Littler Mendelson
Lowenstein Sandler
Mayer Brown
McCarter & English

campaigns, concluding Wednesday that the rule is unlawful.

Analysis

Colo. Tax Reporting Row Unlikely To Nix Physical Tie Rule

States frustrated by a U.S. Supreme Court ruling barring them from collecting transaction taxes from retailers that don't have a physical presence within their borders may be futilely relying on a petition from Colorado that the high court is unlikely to review because the case only addresses the scope and not the actual substance of the controversial ruling, experts say.

Analysis

Trump Administration Figures To Keep Sanctions Bar On Alert

President-elect Donald Trump's unpredictable approach to governance has already raised alarm on the sanctions bar as attorneys prepare for potentially drastic changes that the former real estate tycoon may pursue with regard to U.S. foreign policy toward Iran, Russia and Cuba.

FCC Cancels Business Data Services Vote After GOP Pressure

Federal Communications Commission Chairman Tom Wheeler on Wednesday heeded a call from congressional Republicans to halt action on major items during the presidential transition, dropping new rate regulations in the business data services market from consideration at Thursday's agency meeting.

Don't Pass Lame-Duck Rules, House GOP Warns Agencies

House Republican leaders on Tuesday sent a letter to government agencies requesting a moratorium on passage of any pending regulations until President-elect Donald Trump's inauguration.

McGuireWoods
Mintz Levin
Morrison Cohen
Norton Rose Fulbright
Ogletree Deakins
Orrick Herrington
Pepper Hamilton
Reed Smith
Sedgwick LLP
Seyfarth Shaw
Smith Robertson
Sprague & Sprague
Squire Patton Boggs
Stradling Yocca
Stroock & Stroock
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Thompson Coburn
Weil Gotshal
Welder Leshin
Wilkinson Walsh
WilmerHale
Zuckerman Spaeder

COMPANIES

ALLETE Inc.
AT&T Inc.
Airbnb Inc.
AlixPartners
Altman Weil Inc.
America Fujikura Ltd.
American Cable Association
American Enterprise Institute
American Federation of Labor and Congress of Industrial Organizations
American Federation of Teachers
American Petroleum Institute Inc.
Apple Inc.
British Broadcasting Corp.

Citing Garland, Feinstein Vows To Scrutinize Trump AG Pick

Sen. Dianne Feinstein, D-Calif., ascended to the ranking position on the Senate Judiciary Committee on Wednesday promising to scrutinize President-elect Donald Trump's picks for attorney general and the courts, invoking Republicans' treatment of U.S. Supreme Court nominee Merrick Garland.

Senate Democrats Pick NY's Schumer As Leader

The Republicans in the Senate kept their leadership the same for the next Congress, and Sen. Chuck Schumer, D-N.Y., took on the minority leadership role on Wednesday in an election that also swept Sens. Joe Manchin and Bernie Sanders into leadership roles.

BANKING & SECURITIES

Higher Equity Levels Means Safer Banks, Minn. Fed Says

Federal Reserve Bank of Minneapolis President Neel Kashkari unveiled a plan Wednesday that he said would end the problem of too-big-to-fail banks by significantly boosting the equity capital levels they need to maintain.

ENERGY & ENVIRONMENTAL

Ex-Pa. DEP Head Raises Post-Election Climate Change Fears

The former head of Pennsylvania's Department of Environmental Protection lambasted the state General Assembly's Republican majorities and President-elect Donald Trump for their alignment on environmental issues in remarks Tuesday, but said litigation could serve as a counterweight.

Army Corps Looks To Exit Enviros' Barge Facility Suit

The Army Corps of Engineers on Tuesday asked a Texas federal judge to toss negligence claims brought against it by an environmental

Center for Biological Diversity Inc.
Comcast Corporation
Competitive Carriers Association
Council on Foreign Relations
Devon Energy Corporation
Environmental Defense Fund Inc.
Facebook
Fannie Mae
Freddie Mac
Google Inc.
International Brotherhood of Teamsters
International Franchise Association
Intuit Inc.
JPMorgan Chase & Co.
Lateral Link Group
LinkedIn Corp.
Mohegan Sun
Mortgage Bankers Association
Mylan NV
National Association of Broadcasters
National Association of Manufacturers
National Congress of American Indians
National Corn Growers Association
National Federation of Independent Business
National Indian Gaming Association
National Retail Federation Inc.
Netflix Inc.
New York Times Co.
Newegg Inc.
Overstock.com Inc.
PayPal Inc.
Sierra Club